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# INSANITY.

# INEBRIETY.

# CRIME.



BY

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# INSANITY AND CRIME.

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BY RICHARD J. KINKEAD, M.D.,

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UNDER this heading, an article from the pen of Lord Bramwell appeared in the December number of *The Nineteenth Century*.

Any utterance of so distinguished a judge, such an eminent legal authority, demands careful consideration and respectful attention.

The authority of his name, and the dogmatic form of his propositions, give such weight to what he writes that many will accept his statements as conclusive.

However presumptuous it may appear, it is this fact which makes it all the more incumbent on a member of the medical profession to record a protest against the doctrines enunciated and the conclusions arrived at by his lordship.

## INSANITY AND CRIME.

I concur with him in deprecating a quarrel between doctors and lawyers. Lawyers are bound to administer the law as it exists, whether it be good or bad ; but doctors have a right—a right common to all citizens—to protest against, and endeavour to have amended, a law which they believe to be both unjust and cruel, and which they know fails to carry out the object it has in view.

The law as laid down by him is evidently taken from the answers of the fifteen judges to the House of Lords ; it is restricted by him to its very narrowest interpretation—the knowledge of right and wrong.

It is fair to interpret Lord Bramwell by Lord Bramwell—so as clearly to understand what he means by “that he did not know that the thing he did was wrong.” In the case of Thomas Humphreys, tried before him at Stafford, he defined doing wrong as “what the law forbade,” ignorance of the nature and quality of the act, as “did not know he was inflicting hurt,” or “that his act was injurious to the person he attacked.”

The law so limited he thinks right to demonstration. Sir James Stephen, an authority of at least equal weight, differs from him. He considers that the answers of the judges

“leave untouched the most difficult questions connected with the subject, and lay down propositions liable to be misunderstood, though they might, and I think ought to be construed in a way which would dispose satisfactorily of all cases whatever.”

He considers that the points on which the law appears to be left in doubt may be reduced to one question :

"Is madness to be regarded solely as a case of innocent ignorance or mistake" (Lord Bramwell's view), "or is it also to be regarded as a disease which may affect the emotions and the will in such a manner that the sufferer ought not to be punished for the acts which it causes him to do?"

"I am of opinion that even if the answers given by the judges in MacNaughten's case are regarded as binding declarations of the law of England, that law as it stands is, that a man who by reason of mental disease is prevented from controlling his own conduct is not responsible for what he does."

Again,

"If the narrower interpretation of the answer given by the judges is the true one, and if these answers are regarded as a complete and binding authority, madness must be regarded as merely a possible cause of innocent mistakes as to matter of fact and matters of common knowledge."\*

An American judge thus speaks of the doctrine as to insanity contained in the answers of the judges :

"The doctrine thus promulgated as law has found its way into text-books, and has doubtless been largely received as the enunciation of a sound legal principle since that day. Yet it is probable that no ingenuous student of the law ever read it for the first time without being shocked by its exquisite inhumanity."

"It practically holds a man, confessed to be insane, accountable for the exercise of the same reason, judgment, and controlling mental power, that is required in perfect mental health. It is in effect saying to the jury, the prisoner was mad when he

\* Stephen, History of Criminal Law, vol. ii., 1883.

committed the act, but he did not use sufficient reason in his madness. He killed a man because under an insane delusion he falsely believed the man had done him a great wrong, which was giving rein to a motive of revenge, and the act is murder. If he had killed a man only because under an insane delusion he falsely believed the man would kill him if he did not do so, that would be giving rein to an instinct of self-preservation, and would not be crime."

"It is true in words the judges attempt to guard against a consequence so shocking as that a man may be punished for an act which is purely the offspring and product of insanity, by introducing the qualifying phrase 'and is not in other respects insane.' That is, if insanity produces the false belief which is the prime cause of the act, but goes no further, then the accused is to be judged according to the character of the motives which are presumed to spring up out of that part of the mind which has not been reached or affected by the delusion or the disease."

"To say that an act which grows solely out of an insane belief that some great wrong has been inflicted, is at the same time produced by a spirit of revenge springing from some portion or corner of the mind that has not been reached by the disease, is laying down a pathological and psychological fact which no human intelligence can ever know to be true, and which, if it were true, would not be law, but pure matter of fact."\*

Lord Bramwell states the law is right to demonstration for the reasons he has given. The reasons he has given are:

"The law ought to punish all whom it threatens on conviction."

"It ought to threaten all who would be influenced by the threat, all whom it would or might deter or help to deter."

"Therefore the question should be, not whether a person

\* Ladd, *State v. Jones*.

accused of crime is mad, but did he understand the threat ; if he did not, the threat would be unintelligible to him, and would not deter."

This assumes that if an insane person understands that the law punishes a certain act, he will be deterred from doing it, or influenced by the threat ; and to this assumption a unanimous denial is given by all those who have studied insanity, and have experience of the insane.

His propositions seem also to imply that the one object of the criminal law is to deter, from fear of punishment alone, people from doing certain acts.

From this view Sir J. Stephen dissents,

" being of opinion that if in all cases criminal law were regarded only as a direct appeal to the fears of persons likely to commit crimes, it would be deprived of a large part of its efficacy."

He does "not think it admits of a doubt that law and morals powerfully support and greatly intensify each other in this matter ;" and that "whatever effect the administration of criminal justice has in preventing the commission of crime is due as much to this circumstance as to any definite fear entertained by the offenders of undergoing specific punishment."\*

To the fear of punishment must, therefore, be added the infamy which attaches to a criminal conviction, and this is entirely incomprehensible to a multitude of the insane who are perfectly capable of understanding that a given action is forbidden by the law.

\* Stephen, op. cit.

But surely the object of punishment is more than to carry out a threat, or to deter certain persons from specific acts. While on the one hand, it seeks to protect society by preventing crime through fear of infamy, on the other, it strives to effect its purpose by incapacitating the criminal, so that when he is incarcerated it endeavours to reform him.

An insane person is, no doubt, prevented from committing criminal acts by being executed or imprisoned ; but is he likely to be reformed by imprisonment—that is, cured ? Most certainly not, quite the contrary ; on this point I can speak with the authority of my experience as a prison surgeon. So one object of punishment does not apply to him, as it does to the sane.

To make Lord Bramwell's propositions logical, they ought to be expressed somewhat as follows :

The law ought to punish all whom it threatens on conviction.

It ought to threaten all who would be influenced by the threat, all whom it would or might deter or help to deter.

All madmen who understand the law's threat are influenced by the threat—are or might be deterred or helped to be deterred by it.

Therefore, all madmen who understand the law's threat ought to be punished.

Now I deny that all madmen who understand the threat are influenced, etc., or deterred by it.

Lord Bramwell admits this, for he says it does not always deter ; therefore, from his own propositions, it would follow that some madmen who do understand the law's threats ought not to be punished.

To escape from this dilemma, he argues that the same is true of men in their perfect senses, and, if that were a reason for not punishing the insane, it would equally be a reason for not punishing the sane. This I deny. In the first place, no comparison lies between the sane and the insane ; and, in the second, there is an incorrect assumption.

It is assumed that the threat of punishment is equally effective in deterring the insane and the sane. This is contrary to fact. While it may be true to say that it would be inaccurate to assert that it *never* deters, it is perfectly correct to say it *seldom* deters, and then only in those cases in which the mental disease is so slight that not only is there intellect enough to comprehend, not as an abstract idea, but as a real practical fact, both the law's threat and the infamy attaching to crime, but also sufficient will or self-control left to govern action.

If the threat of punishment does not deter the insane, and I say it does not or cannot in anything like the same proportion that it does the sane, then the entire structure,

built on those whom the law ought to punish, and those whom it ought to threaten, falls to the ground.

Admitting that it does not always deter, Lord Bramwell gives as a reason that "it does not deter as often as it ought because madmen are cunning enough to know that from the way the law is administered (owing to the unwise mercy of judges and juries) they can commit crimes with less chance of imprisonment than sane people can." To any one who has studied insanity, who has experience of lunatics, this statement appears so astounding, so entirely contrary to fact, that it is difficult to believe that it is seriously put forward. With rare exceptions, madmen do not know they are insane. They are indignant, and feel outraged if their perfect sanity is questioned, and will endeavour, to their utmost, to prove they are sane.

To the insane man, his delusions are a reality, he has no doubt of their existence, all the argument and proof which could be put before him will not convince him to the contrary ; the voices he hears are real voices, the figures he sees are real figures, the torments he suffers are real torments ; his ideas are the only correct ones, if they differ from those of other people so much the worse for the others ; he is actually the person or divinity or demon he believes himself to be, of that he has no doubt. He may have wit enough and strength enough to conceal his delusion when it suits his purpose, and to prove that he is sane ; but he never puts it forward, or admits it is a delusion to prove

his insanity—one of the most marked features distinguishing real from feigned insanity is that whereas the lunatic believes that he is, and tries to prove himself sane, the malingerer endeavours to prove that he is mad.

In a lucid interval a lunatic may remember what he did and deeply deplore his act ; nay, more, he may admit that he was mad when he did it ; but that does not show that, when mad, he knew he was so. He may also recognise the symptoms of an approaching paroxysm, and beg to be taken care of.

An insane person in an asylum may know that a madman has a chance of escaping the legal consequences of a criminal act. Thus, when Martin set fire to York Minster, the inmates of an asylum discussed the probabilities of punishment, and one of them exclaimed, “They cannot hang him, because he is mad ; he is one of ourselves.”

It is important, however, to understand that this consciousness of their state belongs only to madmen surrounded by madmen in lunatic asylums, or to those who have been under treatment, and that even to those so circumstanced it is not general.

It is no proof to the contrary that in asylums the inmates are, to *some extent*, deterred from doing wrong, or stimulated to do right, or rather to exercise some self-control, from the fear of losing some indulgence, or of closer restraint. These motives can be only acted on very cautiously, for, if

overstrained, the patient is injured, and all control over him is lost.

But the power which can control is, in an asylum, brought clearly and comprehensively home to him. It is tangibly present in the forms of the attendants ; it is so simple, so immediate, so visible, that he can grasp the fact, not of punishment perhaps, but of a power which, rightly or wrongly, justly or unjustly, can and will prevent unruly action.

Outside the system he sees no such power. He may have an abstract notion of the law's punishment ; but it is a vague, unreal knowledge, that has no practical or controlling effect on his thoughts and actions.

If the argument had been : If we admit that the law's threats do not deter the insane, and therefore they should not be punished, sane criminals will feign insanity so as to escape the consequences of their acts, it would have been correct ; but that would be no reason to punish madmen.

Admitting they have not the same control over their actions that sane people have, Lord Bramwell denies that they cannot help their actions, and says they are restrained and kept in order in the same way sane people are, though with more difficulty.

If he means when at large in the world, I absolutely deny it ; it is absolutely contrary to the experience of all

who have a knowledge of the insane. It presumes that a madman reasons like a sane one, and that, judging how a sane man will act, will enable us to predict how an insane man will act if we knew his delusions or thoughts. Locke's aphorism that a madman reasons aright from wrong premises is far from being universally true.

If he means when in asylums, then it is only partially true. That lunatics in confinement are kept in order with infinitely more difficulty than sane prisoners is true, but that they are or could be by the same discipline and methods, is not correct. If we know what a sane prisoner thinks, we can pretty accurately tell what he will do ; but it is totally different with the insane. Knowing what they think, or knowing their delusions, will not tell us what they will do, or what will be the outcome of the delusion in action. Sir J. Stephen defines compulsion (mental) as choosing the less of two evils. A madman, driven to commit homicide by a delusion that he was obeying a divine command, which, if he disobeyed, would consign him to eternal torment, could not control his action, although he might be well aware, not only of the legal penalty, but have an intense horror of the act, and deeply deplore the terrible necessity which compelled him to do it.

That in some cases insane persons do resist a criminal impulse is no proof that all can—moreover experience shows that the power of resistance in such cases is often lost after a time, in others it is evidence of recovering sanity ; but in

a given case to decide whether an act was controllable or uncontrollable—that is, how much was due to sanity and how much to insanity—is to tax human intellect beyond what it is able to bear.

Having admitted that from their unhappy mental state the insane have less control over their actions than the sane, Lord Bramwell allows that the argument used by him goes the length of severer punishment for insane people—that is, it presumes that it is a case of unwillingness, not of inability, to control their actions ; indeed, this is made clear by the illustration given.

In fact, he makes madness to mean badness. If a man, from mental disease, has not the same control over his actions as a sane man, I fail to see how the law, by threatening to punish him, can place him on the same level with the sane.

It is not a case of will not, but cannot—of physical disability, of loss of power. No amount of punishment can make a man with a paralysed arm use it, or stop the facial contortions or muscular jerkings of chorea, or the convulsions of epilepsy—and no amount of punishment or magnitude of threat can restore to the insane the control over their actions of which they have been deprived by their unhappy mental state. This is a matter of fact and not of law—no law can make or cure a disease, nor can any law create or restore a power removed, perverted, or weakened by disease.

The law, as defined by Lord Bramwell is, I say, illogical,

cruel, and unjust—it is repulsive to common sense, it is out of harmony with the moral sense; and hence, juries, in opposition to the direction of judges, return verdicts of not guilty on the ground of insanity.

It exempts from punishment those insane people alone who do not know they are doing wrong—that is what the law forbids.

Now a delusion that some one is about to kill him is no stronger evidence of disease than a delusion that some one is about to injure him, or than any other delusion; nor in the one case does the insane man think, or is he more capable of thinking, whether his action is legal or illegal. Both are equally mad, equally incapable of calm thought, or of judgment as to right or wrong.

A delusion being a symptom of disease, it is irrational to exempt from punishment the case in which the connection between the symptom and the action is apparent, and to include the one on which it is not. The disease is the same, the effect on the mind identical. Moreover, the action may be the direct consequence of the delusion, although the sane mind is unable to follow the process of thought which led up to it; “there is an incoherence between their ideas, and there is an incoherence between their ideas and actions.”

The example given in the article illustrates this, “Stealing with proof that the offender believes he is the King of England. He goes to a shop, has goods shown him and

secretes some, or picks a pocket ; he has a delusion unconnected with his crime." But is the delusion unconnected with his crime ? With the insane delusion of grandeur would probably be the insane enlargement of the prerogative, the right to take a subject's property. He has learned from experience that his title is not acknowledged generally, and concludes that the shopkeeper will not admit it either, and will prevent his taking what he wants—therefore, he secretes it—or he knows that subjects have often rebelled against the exercise of the prerogative when it affected their property or purses—but, at the same time, he is perfectly satisfied he is acting within his legitimate rights.

Delusions do not destroy but pervert the mental faculties, and it is impossible to say, although a delusion is apparently unconnected with a crime, that it has not been a compelling cause of its commission.

Thus in the case of the madman, quoted by Lord Bramwell, who had a craze about windmills, and who, on being removed to a part of the country where there was none, first set fire to the house in which he was placed, and on another occasion enticed a child into a wood, and, in attempting to murder it, cut and mangled its limbs in a horrible manner, there was no apparent connection between his craze about windmills and either or both the crimes, yet it was the direct cause, for he perpetrated them in <sup>the hope</sup> that, as a punishment, he might be sent to some place <sup>where</sup> he could spend all his time watching windmills. For this man Lord Bramwell has

no pity, and thinks him as hateful as any sane criminal could be. Yet Sir J. Stephen thinks "it would be open to a jury to draw the conclusion that he was incapacitated from forming a calm estimate of the moral character of his act—in other words, he had not the capacity of knowing that it was wrong."\*

Another example given is that of a man who, from some religious craze, wanted to be executed, and who, to bring it about, committed murder. This, Lord Bramwell considers a case of utter selfishness and cruelty; and neither his conscience nor his pity would be moved in favour of the wretched creature—that is, he says the man was bad, but not mad. But it is difficult to conceive a sane man committing murder with a view of being hanged; and, taking merely the deterrent view of the law's punishment, it evidently could have no effect on such a one. Therefore "it would be wrong to punish him, because it would be useless to threaten him."†

To the argument that the law is hard or unjust to the insane, it is no answer to say it might be used by others than the lunatic. Whether the law is hard or unjust to others is beside the question. If others are oppressed by it (I do not say they are), that is no reason why the lunatic should be; doubling the evil will not lessen it. Where the offender is insane, his act is the <sup>product of</sup> disease, or so mixed up with it that it is impossible to say how much is caused by disease and how much is not.

\* Stephen op. cit. † Lord Bramwell, Nineteenth Century.

This case is so like Hadfield's that the words of Sir J. Stephen with reference to it apply aptly.

"The proposition that the effect of disease upon the emotions and will can never, under any circumstances, affect the criminality of the acts of persons so afflicted, is so surprising, and would, if strictly enforced, have such monstrous consequences, that something more than an implied assertion of it seems necessary before it is admitted to be part of the law of England.\*

In dealing with what are called monomanias, Lord Bramwell has been neither successful nor scientific. He asserts that a great number of madnesses have been invented in modern times; defines a monomaniac as "the man being sane, except having a strong passion for drink and so on;" declares such persons are not suffering from disease of the mind at all; only wrong in their passions, appetites, or propensities. He bases his belief on a dictionary definition of mania, and argues, therefore, that kleptomania cannot exist, because it is consistent with the greatest calmness and cunning; homicidal mania, because the steps can be taken with no appearance of delirium or want of calmness; dipsomania, because men afflicted with it have had mental capacity of the highest order—all of which shows a startling ignorance of the subject he is writing on.

I am not aware that Lord Bramwell has studied physiology and pathology; that he has ever spent any portion of his time in an asylum, watching the habits of the insane, studying their method of thought, unravelling the tangled

\* Stephen, op. cit.

maze of their ideas, and from day to day observing and recording facts and cases. If he had, then, indeed, his opinions as to what is or what is not madness would be valuable, and probably correct.

The law, indeed, declares that partial insanity exists, the man being sane in other respects. To question 1 of the House of Lords, the judges reply : "Assuming that your lordships' inquiries are confined to those persons who labour under such partial delusion only, and are not in other respects insane."

But such madness does not and never did exist. The mistake has arisen from magnifying a symptom into a disease. The disease is madness, or unsoundness of mind. But a delusion or idea may dominate the mind, may be the principal, and to the superficial observer, the only symptom, and because its effect and control over the rest of the mind are not apparent, the man is said to be sane in other respects. Whether he is so or not is a matter of fact ; if he is not, then the law cannot make him so, and those whose special study and life-long observation of the insane give them the right to speak authoritatively declare in no uncertain terms that he is not.

"The difficulty which exists has arisen from the occasional treatment by experts of these floating symptoms of one disease as if they were independent diseases. There is but one mind to each of us, though the mind has many functions. There can be but one disease to which psychologically the term insanity may

be applied, though this disease manifests itself even in one and the same patient in various ways."

"The mind of man is not like a ship constructed with watertight compartments, one or more of which may be injured or waterlogged, leaving the rest sound and unaffected. If one of the so-called mental faculties is affected, all suffer with it, all are more or less influenced or controlled by it." \*

Monomania is merely a subdivision (for convenience of study or description) of madness.

The existence of the various so-called monomanias are facts proved to demonstration. That with madness of the more dangerous type there often exist great intellectual power, absence of delirium, and perfect calmness, is also a fact proved to demonstration—a delusion which dominates the entire mind may be so skilfully concealed that it escapes observation for a long time; as, for example, the well-known case in which Erskin totally failed to elicit from a lunatic the indication of his insanity, until after a long course of cross-examination he was told by some one in court what the delusion was; or that of the man in the Bicetre, who baffled the commissioners sent to examine him, and only betrayed his delusion by signing his discharge as Jesus Christ. It is impossible for the sane mind to follow the workings of the insane, for action which has apparently no connection with the delusion may be its insanely logical conclusion. Madness does not in all cases destroy the mind—it perverts it. Thus the mad-man with the delusion that

\* Francis Wharton, Wharton and Stille, 1882.

God has commanded him to kill himself or some other person, will go about what he believes to be his duty with calmness and determination, without apparent delirium or excitement, will show reason, judgment, foresight, and self-control, while all the time he is compelled by insanity to take his own or another's life.

What are passions, appetites, and propensities ? Where do they exist ? Why, there is not one of them which may not be, and often is, excited to ungovernable activity, or altogether abolished by disease of the brain.

Metaphysical distinctions, drawn from the inner consciousness of sane men, are not in harmony with either the pathology of insanity or the physiology of the brain.

The moral faculty is something apart from, and, as it were, outside of the intellect, according to metaphysicians. Yet it is not so. Knowledge of right and wrong is as much an intellectual acquirement as a knowledge of the rivers and mountains of Europe or the problems of Euclid.

What is called moral insanity is nothing more than disease or defective development, exhibiting itself in either incapacity or disturbance of the knowledge, or power to control the actions which are considered morally right or wrong.

There is not sufficient information given to say whether the man mentioned was sane or insane ; but on hearing that

a married man, of excellent character, committed thirty or forty crimes of the nature indicated with the greatest violence and cruelty, I should, were I examining him, look not only for hereditary taint, but for symptoms of that most insidious and fatal disease—general paralysis of the insane.

It is a well-known fact that insanity and general paralysis of the insane often seem to commence with immoral acts. The man of hitherto blameless life, of religious principles, or of unimpeachable integrity, of unstained moral character, becomes a thief, a liar, a drunkard, or gross sensualist. The inequality of the pupils, the slight tremulousness about the mouth, the hesitation in speaking, the tremor of the tongue, other *little* symptoms, are not noticed, or ignored. The man's fall from virtue is deplored, and the idea that his changed conduct is the outcome of fell disease is treated with contempt.

What should be done with such persons, Lord Bramwell asks. He is not averse to hanging, only doubts whether flogging would not be better—more deterrent. Unfortunately for him, it has been tried and found a failure. Madmen have been flogged, put in the pillory, enclosed in cages, chained like wild beasts, yet, strange to say, it did not prevent other men becoming insane, nor insane men from committing crimes. All punishments that have been tried have proved failures, and must always fail.

As the law cannot create or limit a disease, so must its

threats and punishments prove ineffectual either to abolish a disease or to control the actions resulting from it.

What is to be done, then, with madmen? Are they to be left at large to the danger and detriment of society? Certainly not. Send them to their proper place—an asylum. If an insane man commits homicide, by all means confine him in an asylum for life; the protection of society demands this, not only to guard against a repetition of the act by the lunatic himself, but to prevent simulation of insanity by the sane. Imprisonment for life with lunatics would be to the sane far greater punishment than penal servitude—to many, worse even than death.

For less offences, confinement in an asylum till cured.

To punish a man for having a disease, or for the acts which his disease compels him to do, is unjust.

“Whatever the law may declare, I suppose it will not be doubted that a man whose power of controlling his conduct is destroyed by disease would not be regarded as morally blameable for his acts. If a man is punished by law for an act for which he is not blamed by morals, law is to that extent put out of harmony with morals, and legal punishment would not in such a case, as it always should, connote as far as may be possible, moral infamy.”\*

To remove a madman to a place where his disease will be properly treated, and where he cannot injure others, is just, politic, and humane.

\* Stephen, op. cit.

Penal discipline is injurious to the insane ; lunatics cannot be kept in prison ; not only because it is detrimental to them, but because their presence is subversive of discipline, and a constant danger to the other prisoners and to the officers.

Whether a man is mad or not can be decided only by those who have experience of insanity—that is, by experts. If a man walked lame, Lord Bramwell could not help thinking him lame, although a Paget said he was not. Paget could tell whether he was really lame or shamming, Lord Bramwell could not.

In the case of a distinct, well-marked madness, lawyers and laymen can tell that the man appears mad. Whether he is so or not, or only shamming, can be decided only by those skilled in the habits and treatment of the insane—that is, by experts.

Madness is a disease far more subtle in its symptoms than other diseases, yet experts decide as to other diseases : why not as to madness ? Yet by law they have to decide as to madness too, for an insane person cannot be taken into an asylum unless certified by medical men to be mad.

The law as it stands is a wrong law ; it tries to define what is indefinable ; to create a disease which does not exist ; it withdraws from the jury matter of fact, and establishes tests which experience has shown to be utterly fallacious.

Finally, Lord Bramwell thinks it hard to say why lawyers generally supposed sharp enough should go wrong on this particular subject. The answer is simple: their education and training have not fitted them to deal with it. Versed in metaphysical lore and legal subtleties, they have not studied physiology or pathology, nor acquired experience of the insane; just as no amount of book learning alone will enable a physician to deal with sickness, or a surgeon to operate, so no mere mental philosophy or legal training will enable a lawyer to grapple with the paradoxes of insanity. If lawyers were obliged to spend six months in an asylum studying mental diseases, they, too, would be quite as anxious as doctors are that the law should be changed, and would be just as convinced that it is wrong as Lord Bramwell is that it is right. Nor would they fall into the error of considering madness not a disease of the body; for whether we look upon mind as the product of the brain or merely working through it, it is disease, functional or organic, of the organ, which is either its origin or instrument, that constitutes madness.



# A FATAL LOVE.

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By R. J. KINKEAD.

What I have done  
That might your nature, honour, and exception  
Roughly awake, I here proclaim was madness.  
Was't Hamlet wrong'd Laertes ? Never Hamlet :  
If Hamlet from himself be ta'en away,  
And when he's not himself does wrong Laertes,  
Then Hamlet does it not. Hamlet denies it.

SHAKESPEARE.

WHY do I write it all down ? Is it likely that any man, knowing that love, pure, true, passionate love for a woman, lured me to destruction, will refrain from love ?—will hold women in abhorrence as fickle and untrue ?—will recognise them as creatures who will use all the wiles the evil one has given them—the beauty of form and feature, the graces and allurements with which nature has endowed them, loving words, soul and body-inflaming looks—to chain him with bonds he cannot break ; but which to them are as ropes of sand to be burst asunder and dissolved by the mere breath of caprice ?

No, he will not think of me, nor remember my story ; but will believe it fantastic and unreal ; when he looks into the eyes which soften and as it were melt with love beneath

his gaze ; when the pupils expand with emotion until he seems to look through them into a world of love and passion ; when the red lips, slightly parted, pouting and quivering, demand the kiss, through which his very life appears to pass ; when the supple body, sinking and moulding itself to his own, forces him to feel in that embrace that it indeed were bliss could it last for ever ; that life, fortune, honour were well spent to obtain it ; that she is his own for ever—for time and for eternity.

Is it true that the love-light in her eyes, the flush on her cheeks, the quiver of her lips, the yielding of her body, are all for you, for you alone, and will be so for ever ? No ; it is a lie ; false as hell. She who has vowed to love you and only you will repeat the same to another. The looks, the kisses, the fond embraces, will be transferred to some other. She will lie and deceive, take all you have, rob you of your heart and reason, and then, if better comes in her way, with infernal cruelty cast you off.

What does she care for your torments ? What to her is the agony which makes your heart feel bursting and unhinges your reason, which makes your brain throb and wander so that you can think of nothing but your misery and wrong ; strive as you may, no other thoughts will come but the death blow to your love and life, the appalling deceit of her you worshipped ?

Did God create such creatures ? Is there no punishment

for such? Can they murder your life with impunity, and yet go about rejoicing to lure some other to his doom?

The thought is maddening, it bores into your brain day and night.

By day, the light, the work that must be done, is some distraction; you go about as if in a dream, with a heavy, aching, weary sense of pain. But at night, in the dark, silent, sleepless hours, the awful crime committed against you, the total wreck of your life, presses with overwhelming force on your fevered brain; nothing, not even drink, will drive it away, or give one fleeting hour's oblivion from your misery.

God help me! I must stop. I must be calm, or I shall go mad again, and be unable to tell my story.

I do not tell it that my fate may be a beacon shedding a lurid light on the shoals of passion—assuredly not. The man who loves as I do, who may be betrayed as I was, if he has a brain like mine, will not be stopped by my example, hindered by any human law, nor deterred by fear of punishment from doing as I did.

I tell it because it is borne in on me that I ought to do so, because it is a relief to write it all down, and helps me to pass the time before I join my darling in heaven.

Of my childhood I cannot say much. We were humble folk. My father was a land steward, but proud of our in-

tegrity and good name. He and my mother brought us up to love God, to do our duty and to hate a lie.

I do not know if there was anything strange about me as a child or youth. I was eager and impulsive, but owing to the example and training of my parents I fell into no gross sin. I did my work thoroughly, I never drank or gambled, but lived at home where love of God and of each other was the ruling principle.

My father, I have said, was proud of his integrity. He taught us to consider a lie the gravest sin ; that all deceit, dishonesty, idling at school, not giving all our energies to our employer's work, were forms of lying ; that God had shown by the death of Ananias and Sapphira that liars were unfit to live ; that all sin and sorrow, even death itself, came into the world through a lie.

His favourite story was the "Heart of Midlothian." He never tired of holding up Jeanie Deans as an example to us ; that for the truth's sake we ought to sacrifice everything ; that not even to save our own lives, or those of our nearest and dearest, should we dare tell a lie or be guilty of the slightest subterfuge.

No shadow darkened our home. Nothing ever came between us until I met my love.

As if premonitory of evil, my parents opposed the match ;

proud of our respectability, they thought I should look higher. She was only a servant !

What was that to me ? I loved her, and she was worthy of my love ; no breath of scandal, no light act, no word of hers, has made her unworthy. I can see that now. The months of quiet in my prison cell, and the teaching of the chaplain, have shown me that.

Oh, how lovely she was ! How beautiful ! I cannot describe her, only I know that all the light and beauty of the world seemed to me to lie in her golden hair and loving blue eyes.

What agony of uncertainty, what doubts and fears, possessed me before she avowed her love ! Could she ever care for me ? Could so bright, so glorious a creature ever love a humble fellow like me ? She who was worthy of the noblest and strongest, was it possible that she would give her heart to one so insignificant in appearance, so unworthy in every respect, as I was ? I was only a working man—she in beauty and goodness a mate for a prince.

Had I not read of the prince who married a beggar maiden, and heard at our Young Men's Society of how the Lord of Burleigh wooed and won a village girl.

But when I ventured to tell her of my love ; when I saw the love-light in her eyes ; when she gave herself to me ;

I had no doubts, no fears, she was my idol. Alas ! I fear my God ; my trust in her was implicit.

What unalloyed happiness to talk with her of our future home ! How we planned over and over our house !—how we would save up all our earnings ! what we would get for it, from the tables and chairs, the delft and crockery, to the few pictures on the walls ; how she would keep it clean and tidy ; what she would do while I was away at my daily work ; and then the inexhaustible delight of the evening hours ; how we'd cultivate the little garden ; how, the labour of the day being done, we two would be alone together in our own home.

I can hardly think of these times with calmness ; my pulses throb, my brain whirls, the thoughts pass too rapidly and confusedly through it.

So time passed on, till one day in summer I was at work under a shed. It was intensely hot. Not a breath of wind, and the heat flowed down in waves of burning air from the bright metal roof. Suddenly there came a rushing in my ears, a blaze of light before my eyes, a feeling of inability to breathe, an agonizing pain in my head, and all was dark. I don't remember much about it ; I managed, somehow or other, to crawl or stagger home and get to bed. Then I was very sick and faint and became unconscious—for how long I know not ; it may have been only a few minutes, it may have been hours, but when I came to myself I was very weak and felt as if I was dying. In a day or two I was able

to be up and about, but for a long time I could not sleep. I had constant headache, used to get dizzy and stagger, I was troubled with a ringing in my ears, and flashes of light before my eyes.

I seemed to get well ; could eat, work, write, read, and keep my accounts. Yet somehow I did not feel quite myself. I did not sleep well. Now and then a feeling of faintness came over me ; on stooping, or turning quickly, light flashed before my eyes, a singing came in my ears, and my head seemed to swim round.

I felt an irritability, too, which it was difficult to control. I was ashamed of all this, and struggled hard and successfully to conceal it.

Now it was that a doubt of my love first entered my mind. How it came there, what caused it, I know not. Thinking—as I now can—clearly over the past, with every day's action and even thoughts passing vividly before my mind, I cannot recollect that any act or word of hers could have raised a doubt of her truth and faith.

She was so dear to me, so inexpressibly precious, that it seemed to me I must lose her. What was I, to win and hold the love of one so beautiful and good ? I was poor, too. She had only to be seen and known by others far richer and better than I for them to seek to win her. I felt, too, that I was severe—I could not help it—thinking the slightest wandering from the absolute truth in word or deed a crime ;

angry at and censuring every simple and friendly look she gave another.

I had no thought but for her ; present or absent, she filled my life. Other women were hateful to me. Fool that I was ; when she told me of flattering words or compliments paid her, I was wroth that they should be said, that she should be proud of them, and blamed her for listening to them.

I can see now it was only natural she should be proud of admiration ; that half her pride was on my account, and her telling all to me was the best proof she could offer of her trust and truth.

I did not, could not think so then. Each day became a torment and a joy. While at my daily work my mind was torn between doubt and trust ; at one moment confident in her faith and love, the next wretched with suspicion and fear.

In the evening, when with her, all was peace. One look in her face, every fear was gone. The sound of her voice brought perfect calm to my storm-tossed soul.

But at night all my jealous doubts came back with redoubled force. I had heard of fair, false women. What if she were false, too ?

I thought there was less love in her look and greeting, that her eyes avoided the earnest gaze of mine ; her kisses had been cold ; she seemed uneasy and apprehensive when

with me, anxious for me to go. Yes, there must be another more favoured. Some richer rival is stealing, has stolen, her heart from me. She is now watching for him ; with him perhaps ; giving him kisses which ought only to be for me ; looking at him with those blue eyes, which, while the pupils expand, grow liquid with passion, deepen in colour to the richest violet, and draw by their power the very soul from the body ; his arm is round her, words of love are being exchanged. Such fancies fill my mind, till, maddened beyond endurance, I spring from my bed, rush wildly back to her master's house, search the plantation, and pass the night before her window.

Yet it was curious the motion, the rapid walk, the cold night air, dispelled my fears and put to flight the phantoms of my mind.

At home—in bed, I was convinced, I had no doubt, of her falseness. I saw it all clearly. The whole scene was distinct before my eyes—it was real. I knew what I should find. My mind was made up—her lover should die. I had no doubt as to the result. I'd surely kill him, while to her dying day the wild struggle would rise constantly before her eyes, the death of her lover would haunt her, the grief and remorse with which she would live out the rest of her life would be balm to my tortured heart.

But as I sped along all seemed to change. The picture faded, the certainty of finding them together passed away ;

the conviction that it was all the creation of my own miserable imagination gathered strength ; I became certain that she was pure, innocent, true, and loving ; that I was a vile, wretched fool, grossly insulting by my doubts one whom I was unworthy to approach.

Then I'd stop and go back a few steps ; I'd go home. It was mean, unworthy of her and me, to play the spy.

Yet a doubt would flash back. Was it so impossible that she could be untrue ?

Then I'd go on again ; and again the last shadow of doubt would clear away, and with a laugh at my folly I'd stop once more and turn round to go home again.

Then the conflict would take another shape. "John, my boy," I'd say to myself, "she is incapable of falsehood ; nothing but perfect truth can be read in her face ; such candour, innocence, and trust are there depicted as should satisfy the jealousy of another Othello."

"But then you are such a fool. So surely as you go home you'll be tormenting yourself again : you'll say, if I'd gone on might I not have found out something ? If you don't think so to-night you will to-morrow. Forward then ; search the woods, examine the doors, watch before her window, hunt for every trace. Satisfy yourself you have done her an injustice, convince yourself of the groundlessness of your suspicions, and you will never doubt again ; and as

punishment you must confess it all to her to-morrow, take the shame of the avowal, and ask for pardon." And on I'd go ; spend half the night in the laurels before the house, then creep home, perfectly convinced of the absurdity of my doubts, and thoroughly worn out from the mental struggle and bodily fatigue.

Day after day the same doubts and fears, culminating at night. Night after night the same belief of her falseness, the rapid walk, the search and watch. When we met, the happiness of our interviews clouded by the confession of my misgivings, prayer for pardon, and the assurance that never, never again should the least shadow of suspicion come into my mind.

Yet I carefully concealed it all from my family ; they had no idea of my suffering, no notion of my nightly wanderings. I could not bear the slightest word, the least hint from any one, that she was unworthy of me—even in position.

That I myself should suspect her was bad, was torture—but I comforted myself with the assurance that no one knew it—that it was a proof of the intenseness of my love—just as a miser, whose whole soul is absorbed in his gold, always fears its loss, is never content, never happy, but when gloating over it ; never assured of its safety but when handling it. That another—no matter who—should disparage her, or try to come between us, appeared to me a sacrilege, an unpardonable crime.

I tried to make up for my doubts by increased devotion. All I could save of my wages I spent on her. As far as I could I anticipated her wants. At length my mother remonstrated with me. Her words were few and not unkind ; but on me they acted like a spark on powder : a flame flashed before my eyes, the sound of bells rang in my ears, my whole body throbbed and tingled. The woman before me was not my mother, but a wretch who dared to speak slightly of my peerless love. She wanted to come between us, to separate us. She was unworthy to live ; a constant menace ; she merited death ; she should die. I shouted her death-sentence, and turned to get my gun. My sister threw herself between me and the door—while she clung to my neck—what she said I know not, my emotions were overwhelming—a feeling of faintness came over me—I sank helpless on a chair.

In a moment or two I recovered. A new idea struck me. I would see my love first—time enough afterwards to punish her detractor ; so I seized a present I had bought her and rushed out of the house. They say I met my father in the avenue—I suppose it is true—I am not conscious of it. I saw nothing but the image of my love whom they wanted to take from me, and knew nothing but a wild longing to clasp her in my arms and protect her from their machinations.

I heard long after—when in prison—that they believed I was mad, and thought of putting me into an asylum, along

with my uncle. Better far had they done so ; how much suffering and sorrow would have been saved if fear of compromising the respectability of the family and creating a scandal had not induced them to leave me at large ! I was, however, too dangerous to be kept at home, and hoping that change would restore to me self-control, another situation was procured. I was sent away.

In one respect the move was wise. No one where I went to knew my darling ; there was no one to oppose my love, therefore nothing to arouse my violence. In another respect, however, it was injurious, my tortures were doubled.

If when I saw her daily I had suffered so much, what must my agony have been when unable to do so ? Day by day it grew in intensity and force, until, unable to bear it, I started off to see her for an instant. I did not feel the fatigue of a twenty-mile walk. I knew nothing of the weather ; calm or storm, wet or dry, I was utterly unconscious which. Only now, on looking back, I notice that the long walk had a soothing effect, dispelling my doubts and calming my nerves. While the joy of the sight of her, the reassurance of her constancy, so filled me with rapture that the miles passed unnoticed, as I hurried back to snatch a brief rest ere my work began with the dawn of another day.

Soon a deeper shadow, a terrible calamity, fell. Her relations claimed her ; she must go far away ; she was raised above me, and must have comfort and means that I could not

give her. In a last long interview she swore she would be true—vowed that she loved me with all her heart. Nothing could make her change. She did not care for wealth, only for me. She was altogether, entirely my own. She declared that in a few short months we should have saved enough to provide a home, and then we would be married.

I could not see her now. When tortured by my thoughts, I could not walk them off or have them changed by a loving look or word. I could only write to her. How happy I was when there was a letter from her ! How I watched the postman, counting the hours and minutes till he came ! How my heart fell--what agony, what grief, what rage--when there was none !

At length my condition became unbearable, and getting leave from my master, I went to see her.

Those few days were almost unmixed happiness. She was so loving. What did I care that her friends now objected to me ? She declared she loved me, and would marry me in spite of all opposition. So we settled our plans, and fixed the day ; in less than three months she would come to me, never to part again till God called us home.

I thought, when I got back, that the old unrest was dead. My heart was so full of her, my mind so occupied with our home, planning and arranging how everything was to be worthy of her, that there seemed no room for evil thoughts.

It could not last. I began to think her letters breathed less love, they appeared constrained, written with effort.

All the old fears came back stronger than ever. I could not sleep ; the night was dreadful, filled with horror ; my head ached constantly, and the old faint feeling recurred more frequently.

I had always abhorred intoxicating drinks ; even when ordered by the doctor to take a little whisky, I did so with reluctance and gave it up in a day or two. But now a craving for stimulants suddenly seized me. I did not care for the taste. I did not desire to drown my cares in drunken forgetfulness. I needed no excitement, I had enough of that and to spare. There seemed to be a want within me, an imperious need, which must be satisfied. I drank largely, but was never drunk, nor even tipsy.

While the stimulant supported my bodily strength and staved off that awful faintness, it appeared incapable of affecting my mind ; yet the more I drank the more the need grew, and soon I had to take whisky or brandy at short intervals both day and night.

All the time my brain was perfectly clear. Strange as it may appear, the more I drank the clearer and stronger grew my judgment and reasoning powers. My whole existence hung on my love's truth and constancy. Yet I was able to contemplate with calmness her giving me up. It was the

calmness of despair, for now I could see distinctly the end approaching. Her letters were changed—short, constrained, and cold, while the intervals between them became longer.

It was my own fault. I wrote sternly, I wore out her love by jealousy and suspicion. The high spirits, the natural love of admiration of a young and lovely girl, I magnified into crimes, and treated with exaggerated severity. I did not see it then, I do not always see it now ; as when I think over the past and dwell upon my wrongs, I feel the old sensations flowing back, and can only regain calmness by hours spent on my knees in prayer to my God, Who has mercifully cleared my mind and enabled me to see, as the hour of death approaches, how I have sinned and how infinite are His mercies.

But as I felt how it must end, there grew up in my mind, chiefly in the night, for sleep had altogether left me, two overmastering, all-pervading emotions—increasing love for her, a sense of the enormity of her guilt.

Without her, life would be to me unbearable, existence unendurable. Not a mere blank devoid of happiness, but a torture so terrific, so exquisite, that Hell itself seemed less appalling. While the contrast of the fulness of joy, the unutterable delight of her continued presence, only made the picture of what life would be without her stand out in more lurid colours.

Better far we both should die. For me, I could not live ; as for her, she would merit death. Would she not have murdered my life ? Would she not be guilty of a lie ? A lie so great, so full of enormity, that that of Ananias and Sapphira sank into insignificance beside it. Yet God slew them, shewing us that death is the fitting punishment of a lie.

She had taken all from me—my means, my heart's love, the very motive of my existence, and given herself to me ; sworn the most solemn oaths of truth, of love, of constancy and faith ; bound herself to me by irrevocable pledges. She was mine wholly, mine altogether. It was my duty to punish her crime, to keep her as my own, if not in life, at least in death.

I tried hard to put such thoughts from me. At night I had no power. I was convinced I was right. During the day doubts arose. She might not be false, I might have misjudged her letters. Even if she did throw me over—even if guilty of the deadly sin of such a lie—who was I, to take punishment into my own hands ? God was the Judge. Was I sure He had appointed me to execute His sentence ? If I was not sure of my title, of my appointment, would I not be a greater criminal than she was, a murderer, cast out from the presence of the Lord, even as Cain ?

Thus daylight struggled against darkness. Torn with conflicting emotions—never sleeping—never at peace ; the

only thing which gave me strength of body and calmness of thought, which seemed to enable me to form a judgment and give me the will to carry it out, was whisky.

How long this lasted I do not know. It cannot have been long, or I must have died. But at length the blow fell. She wrote to say all was over between us ; that she was sending back my presents ; that she was going to marry another.

For a moment I was stunned. It seemed as if I had been shot through the heart, or received a crushing blow on the head. Then I was calm and cool. No more hesitation. No more perplexity. My way was made clear. I knew what it was my duty to do.

As God had shown what the fate of liars was to be, so it was plain she had merited death.

Moreover, she was my wife in God's sight ; true, no religious ceremony bound us, nor had we come together, but we had taken each other before God for better or for worse. Did not solemn vows and fervent pledges constitute in His eye as binding a marriage as the mere ceremony in a church before the minister ? Her marriage with another, though to human laws justifiable, would be in God's sight adultery. On me, as her promised, nay, her very husband, was laid the duty of preventing this sin. My title was clear, the imperative necessity plain. I must kill her. No help from the laws of man. All trust in her word gone for ever. If

she swore never to wed, I could not trust her. There was no other way to save her from damning sin. She must die. I must do it.

It seemed as if the shock of that fatal letter had placed me outside myself. I remember all my thoughts, all my actions, not from mere memory alone, but because I saw them. I could see myself then, I can see myself now—a slight-made man, with pale, haggard face ; dark hair ; dark overhanging bushy eyebrows meeting over the nose ; the nose long, with sharply-defined, clear-cut nostrils ; the mouth firmly set ; large ears standing out from the head ; dark, eager, glittering eyes, closely set with concentrated gaze. The face of a man with a deed to do, determined to do it, whom nothing could turn from the course marked out.

As I could see the face and figure, so I could see the thoughts and working of the mind.

What I was commissioned to do was clear, the object of it plain. I would save her from deadly crime ; I would get her for my own.

For, as I shrank from causing her pain, as in the weakness of my flesh I hesitated to inflict injury, it came home to me that I could avenge her on myself ; that I, too, would feel all the bodily suffering she did ; that as on me the fearful duty of executing the sentence was cast, so the discharge of that duty would exonerate me and be my justification for taking my own life. And it was shown me that by thus

faithfully doing my duty, I would get her as my own, never to part, never to separate again. Here we could only have lived a few short years together ; now, purified by suffering and death, we would be joined by God for ever and ever.

When this came home to my mind I could not contain my joy. I wished to tell everyone, but I knew that what I had to do would be called murder : that, if suspected, I would be stopped, and then on me would fall the guilt of her marrying another whilst I, her husband, was alive.

I had, therefore, to be cautious, and not betray myself ; to keep down the happiness within me, to pretend not to care.

That night seemed to fly. I had much to do. I had to think over how I was to do it. At first I was perplexed. The sight of my revolver cleared it up. It was made plain to me that was the proper way. It was my duty to kill her, and that duty, more solemn than had ever fallen to the lot of man, must be effectually performed. There must be no mistake, no failure. Therefore, it was shown me the revolver was the weapon. She was to have as little pain as possible. It must be done quickly, so that there might be no suffering. She must not linger in torture ; two or three shots through the heart, so rapidly can the trigger be pulled, will cause instantaneous death. None will dare to interfere with a man with a loaded revolver. One shot will be enough for me—I can't miss myself. I will die like my darling. Our

hearts beat together in life, they shall be one in death. We will both suffer alike. We shall both die shot through the heart.

In the early morning I set off on what I hoped and believed would be my last journey in this life. I can't tell how that journey passed over. I saw nothing, felt nothing. I was absorbed by the great ideas which possessed me ; the solemn duty imposed on me ; the supreme joy of having my darling for my own.

I slept that night. That my path was marked out for me ; that within a few hours my love and I would be beyond the reach of enemies to sever ; joined in bliss for time and for eternity—produced a great calm, soothing my mind, so lately storm-tossed and torn with conflicting emotions.

I rose early, I had no hesitation, no doubt ; but I was weak and faint in body ; fearing my strength might fail, that, through physical debility, my duty might not be performed, my happiness lost to me, I took some whisky.

How my heart welled over with love when I saw her—how my heart beat, and temples throbbed ! Yet my hand never shook, nor my resolution faltered. I did what I had to do ; and then, pointing the pistol towards my own heart, shot myself.

I felt the blow ; yet there was no pain. I was as full of life as ever. Somehow, I was not surprised ; I was glad

there was so little suffering. She, too, must have felt no pain.

I went out into the street. I told those who ran up what I had done. I had merely done my duty. Why should I not announce it?

According to man's law it was murder, but I obeyed a higher than man's law. I, too, should soon die.

I was taken to the police barracks, and a doctor came and examined me. I was unwounded save a slight scratch on my chest.

I had executed the duty imposed on me. I had failed to obtain the reward. I was in despair, but not for long. They must hang me, and then I shall join my love. I entreated them to try me at once.

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NOTE.—This tale is a careful study from life. It illustrates a phase of insanity, probably common enough, though difficult for the public or those who have not closely studied insanity to discriminate from wickedness.

A phase more dangerous than pronounced madness, because to the casual observer—indeed, often to medical men—the sufferer appears quite sane.

The intellect seems undisturbed. Memory, judgment,

and will appear perfect. There are no delusions or hallucination, yet instead of the intellect governing the emotions, the emotions govern the intellect.

From such an one violence is not expected nor guarded against. When it occurs, it is frequently done so deliberately and with such evidence of foresight that it is difficult, if not impossible, to convince people that it is the outcome of disease.

So long as the dominating passion or emotion is not called into action, all is well ; but when it is aroused, then *quâ* that emotion, all the mental faculties are perverted. Trifles become grave matters ; small things are magnified into enormities ; wrong appears right, and the perverted intellect compels the man deliberately to do what he knows to be criminal, while it convinces him that it is both just and right.

In the majority of such cases there is probably some hereditary taint, or the nervous centres may have been impaired by accident, disease, over-strain, or intemperance.

In some instances, intense passion, or excitement of itself, seems able to produce mental alienation, varying in different cases from slight eccentricity to total deprivation of mind.

When original or acquired instability of the nervous system, and intense or long-continued emotional excitement,

are combined, madness of an insidious form, culminating in crime, is more likely to result.

Such cases are not recognised by the law as it exists, which requires, to exempt an insane person from criminal responsibility, either that he shall not know the nature or quality of his act, or that the thing he did was wrong, i.e., illegal ; or that if he suffers from delusions, his criminal act is such that if his delusion was true, he would have been justified in committing it, e.g., if he believed some one was about to kill him and he killed him—definitions which exclude from the category of criminal lunatics over seventy-five per cent. of the insane.





## INEBRIETY AND CRIME.

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INEBRIETY, Insanity and Crime—an unholy Trinity—intimately, inseparably, bound together, as mutual cause and effect.

Drunkenness produces insanity—insanity often begets drunkenness—crime is frequently the product of both.

The direct connection between ineptitude, insanity, and crime, is universally recognised ; their indirect relationship is not so clearly perceived ; but neither the cost to the community, which follows as a natural consequence, nor the danger to person and property, the intolerable anxiety, the risk to life, the absolute ruin, consequent on the want of power to control the habitual drunkard, have attracted sufficient public attention : if they had, assuredly legislation so imperfect as that which at present exists would not be tolerated.

Nor has the effect on the race received due consideration.

“The best and most unprejudiced observers are agreed,” writes Dr. Elisha Harris, “that the families of ineptuates develop

forms of nervous and brain diseases, which could only be referred to the habits of drinking in the parents. Dr. Magnus Huss, of Stockholm, declared that drinking produced partial atrophy of the brain, which was handed down to the children ; the brain was then too small for the bony case, and lunacy was the result. The same fact had been observed in the lunatics of Massachusetts. In France, Dr. Morel had observed the same results of diminished brains through several generations, leading to imbecility, homicidal insanity, idiocy, and final extinction."

Posterity has done nothing for me. Why should I care for posterity ? would seem to be the popular sentiment with regard to the grievous inheritance transmitted to their offspring by the inebriate and insane.

Nature, however, more provident than man, has decreed that both inebriety and insanity tend from degeneration to extinction : so that, unless some vigorous, healthy strain intervenes, mental decrepitude is followed by physical failure, and then sterility terminates the family history.

It is impossible to define insanity: certainly a definition has not yet been found, which does not include some who are sane, and exclude others who are insane. It is not, however, attempting a definition to state that a person is insane who has lost that control over thought or action which we call will ; or when the passions and emotions, instead of being the subjects, have become the sovereign of the will ; or when some dominant idea controls the reasoning faculties, obscures moral sense, and perverts the action of the will.

Those, too, are insane who are led astray by illusions,

hallucinations, or delusions ; for although sane people sometimes suffer from them, yet the sane man knows they are unreal ; that is, he is aware that the figures he sees, the noises he hears, or the sensations he feels, are the products of his own nervous action, and have no real existence, and therefore his conduct is not guided by them. The insane man, on the contrary, is convinced that they are real, and his thoughts and actions are governed by them.

In acute drunkenness the passions and emotions are stimulated to excessive activity, and the control of the will is weakened or abolished.

In chronic or habitual inebriety, there is, in addition, a dominant idea established—commonly expressed as a craving for stimulants—so powerful as to be practically irresistible, the moral sense also is almost annihilated.

In *delirium tremens* and *mania a potu*, illusions, hallucinations, and delusions are added.

That a drunken person is mad ; that habitual inebriety is a condition of insanity ; that more frequently than is generally supposed, inebriety is the consequence of antecedent nervous disorder, either hereditary or acquired ; that is, that habitual drunkenness is the product of disease, may appear startling statements, nevertheless they are true.

To understand these facts it is necessary to comprehend the connection between mind and body.

The brain is brought into connection with all parts of the body by the nerves ; some proceed directly to and from the brain, others indirectly, through the spinal cord. No matter how minute their subdivisions may be, each nerve is double—one fibre conveying sensation from the surface to the brain, the other motor impulses from the brain to the periphery.

For the purposes of the present memoir the brain may be considered as having two portions (1) the cerebral hemispheres, occupying the upper portion of the skull ; and (2) masses of nervous tissue lying on the floor of the skull—"the basal ganglia," called by Carpenter "the sensorium," in which the nerves terminate.

"The cerebral hemispheres form each a sort of hollow shell, enclosing and overlapping the great basal ganglia ;" from the latter stream up fibres, radiating in all directions into the substance of the hemispheres.

"It is probable," says Carpenter, "that there are two sets of these—one ascending from the *thalami optici* (*posterior ganglia*) to the cortical layer, and conveying to it results of the physical changes produced in them by the sense impression which they receive ; the other descending from the cortical layer to the *corpora striata* (*anterior ganglia*), and conveying to them the physical results of the changes which take place in itself. These fibres, which bring the instrument of intelligence and will into relation with that portion of the nervous apparatus which furnishes the mechanism of sensation, and of automatic and instinctive motions, were called by a sagacious old anatomist, Reil, the nerves of the internal sense."

A sensation or impression on any party of the body, say

for example the foot, is transmitted by the sensori nerve fibres through the spinal cord to the sensorium, and thence along the radiating fibres to its sensori centre in the cerebral hemispheres. The corresponding motor centre is excited, and the command issues to move the foot from the source of irritation through the sensorium, spinal chord, and motor nerve fibres.

That these results are due to molecular changes in the brain we know—

“but how it is,” as Ferrier remarks, “that molecular changes in the brain cells coincide with modifications of consciousness ; how, for instance, the vibration of light falling on the retina excite modification of consciousness, termed visual sensation, is a problem that cannot be solved.”

When a sensation is conveyed to the brain it makes an impression, strong or weak, as the exciting cause is powerful, often repeated, or feeble ; this impression is, as it were, registered in the sensori centres, from whence it can be called up again without any fresh external stimulus.~

Thus the brain becomes the storehouse of all the varied sensations we experience.

The re-excitability of these impressions, their varied combinations with each other, their agreement or disagreement with other like sensations, is the basis of knowledge ; similarly, passions and emotions are the resultants of sensations, pleasurable or painful, and, according to Ferrier, the “sensori, ideational and emotional centres, are one and the same.”

In like manner the motor centres are the seat of the power of motion, and not only initiate movement in response to a given stimulus, but register the memory of the movement, and, being re-excited, produce the idea of that movement.

Combination of sensori motor impressions form our ideas; but all parts of the brain being intimately connected, combination and association take place.

"Ideas, therefore, except in so far as they are simple revivals of definite and uncomplicated sensori impressions, or motor acts, have no circumscribed habitation in the brain, but are the re-excitation of each and every one of the sensori and motor centres which are specially concerned in their acquisition."

The response to sensori impressions may be independent of the will, and below the domain of consciousness. Thus we cannot control the rhythm of the heart, the continual motion of the intestines, nor, except so far as to make them subservient to the purposes of speech, the movement of the muscles of respiration. These involuntary responsive movements are said to be automatic.

The brain centres grow to the mode in which they are used ; actions and modes of thought, at first exercised imperfectly and with difficulty, come by repetition to be performed with ease and precision ; in some cases without even consciousness. Such actions are said to be secondarily automatic.

The following example of unconscious automatic action came under the writer's observation in the person of an old

lady, who, in her younger years, had been an active house-keeper.

A not unimportant part of her daily round had been to superintend the cutting up of the meat for cooking, so as to cause to coincide satisfaction of the appetite of a numerous and hungry household with the extent of a limited income.

While pondering daily on this ever-recurring problem, she aided her mind to solve the mystery, by tapping the fork she held in her left hand with the knife she had in her right.

When the writer knew her she had ceased for many years exercising the household functions, yet invariably whenever she used a knife and fork, as the fork descended from her mouth to her plate, she regularly tapped it once or twice with her knife.

She was absolutely unconscious that she did so, and indignantly repelled the accusation as a wilful and malicious libel. So long as her attention was directed to her knife and fork the tapping ceased, but immediately recommenced on its being directed to some other subject.

As mental action and muscular motion depend on molecular changes in the nerve cells, so molecular changes are themselves dependent on the circulation in the nerve centres of blood, pure in quality and in due proportion as to quantity.

The circulation of the blood is regulated by another great nervous system, the sympathetic, which, though distinct from, is intimately connected with the cerebro spinal.

“ Thus man has two nervous systems—the primary nerv-

ous chain (sympathetic) and the added centres with their fibres (the cerebro spinal)."

Some authorities hold that the brain alone is the seat of the mind ; others maintain that while the brain originates the higher intellectual powers, and controls the entire mind, that passions, emotions, and instincts have their being in the sympathetic.

Thus Hammond observes :—

"The mind—under which term are included perception, the intellect, the emotions, and the will—is ordinarily supposed to have its seat wholly in the brain."

"That its higher manifestations are due to cerebral action is doubtless true ; but holding the view that where there is grey nervous tissue, there nervous power is generated," the writer believes, "and physiology and pathology fully support the opinion that the spinal cord and sympathetic system are capable of originating certain kinds of mental influence, which, when the brain is quiescent, may be wonderfully intensified."

The earliest impressions on the nerve centres retain the strongest hold, so that under any influence affecting the brain, those mental powers latest acquired are the first to fade away ; and the last to linger are the forces which govern automatic actions and the functions of organic life.

For the purpose of this memoir, mind may be regarded as a force, the product of nervous action ; and its elements, perception, intellect, emotions, and the will, are dependent for their exercise on the healthy condition of the nervous

tissue and of the blood, and are more or less perverted or disturbed in their action, singly or in combination, by morbid modifications of both.

If we could imagine the entire body dissolved, with the exception of blood vessels and nerves, we should see remaining a delicate, most beautiful lace-work mould, of brain and heart, of every limb and organ ; for the arteries, commencing at the heart, divide and dwindle, getting more numerous and smaller, until they terminate in innumerable minute vessels of delicate texture, which ramify on the surface and penetrate the substance of every portion of the body. From these minute vessels commence the smallest veins, which as they join each other, increase in size, until they end in the large venous trunks which pour the blood back to the heart.

To each and every one of these small vessels, and all along their extent, fibres from the sympathetic are attached, by which their action is regulated and the circulation controlled. According as the sympathetic centres are stimulated or depressed, so the vessels are contracted or dilated, and the flow of blood within them accelerated or retarded.

This action may be produced by nerve influence or the application to the centres of matter held in solution in the blood. Of the former we have an example in the phenomenon of blushing under the influence of the emotion of shame, or pallor under the influence of fear—of the latter in the effects of alcohol.

When alcohol is introduced into the system, it causes dilatation of the capillaries—dilatation of these minute vessels means reduction of the resistance which their normal calibre offers to the passage of the blood. When resistance is reduced the heart acts more rapidly ; but at first the heart is stimulated by the alcohol, so there is both increase of pace and power. Thus an increased quantity of blood, driven at a more rapid rate, passes through the brain.

The normal quantity of blood circulating in the brain is estimated at from one-sixth to one-fifth of the entire amount contained in the body ; it is therefore evident that mental processes must be seriously affected by alteration in the circulation. After a time, the primary stimulus of the heart passes off, its power is reduced, and there is a stasis of blood in the brain. In addition to the effects of altered circulation, the nerve centres are subjected to the action of blood altered by the direct absorption into it of alcohol itself.

"I once had the unusual, though unhappy opportunity," says Dr. B. W. Richardson, "of observing the same phenomenon in the brain structure of a man, who, in a paroxysm of alcoholic excitement, decapitated himself under the wheel of a railway carriage, and whose brain was instantaneously evolved from the skull by the crash.

"The brain itself, entire, was before me within three minutes after the death. It exhaled the odour of spirit most distinctly, and its membranes and minute structure were vascular in the extreme. It looked as if it had recently been injected with vermillion. The white matter of the cerebrum, studded with red points, could scarcely be distinguished, when it was incised, by

its natural whiteness ; and the pia mater, or internal vascular membrane covering the brain, resembled a delicate web of coagulated red blood, so tensely were its vessels engorged."

The action of alcohol on mind depends upon the amount ingested, and is produced partly by alteration in the circulation, and partly by the actual application to the nerve centres of the alcohol absorbed by the blood.

At first the effect is stimulating ; starting all the mental faculties, but especially the emotional, into increased activity, giving rise to pleasurable feelings of exhilaration, making glad the heart of man.

The consumption being continued, excitement increases ; there is confusion of ideas, uncertainty of muscular motion ; volitional control is weakened ; reason, judgment, and memory become feeble ; while the passions and emotions become dominant.

The mind works almost automatically, according to the inherited disposition, or the mode to which the nerve centres have grown by habit ; and so according to the nature or training of the man, are exhibited generous impulses or brutal passions ; imperturbable good temper or intolerable irritability—"the coward shows up more craven, the braggart more boastful, the cruel more merciless, the untruthful more false, the carnal more degraded."

The control of the will being overthrown, and the excited passions and emotions being left masters of the mind, the

man is mad ; he is incapable of restraining his impulses, of understanding the nature and quality of his acts, of knowing that what he does is wrong.

Finally, the higher brain centres yield to the anaesthetic influence, and only those presiding over the automatic functions of respiration and cardiac motion retain sufficient sensibility to carry on the operations of life ; and the man lies, an inert insensible mass—dead drunk—dead to internal impressions—dead to external excitation ; the only life left in him being just sufficient, and not always so, to preserve existence, until the poison shall be slowly eliminated.

So wonderful are the natural recuperative powers, that men generally recover from the effects of a drunken debauch, but if these phenomena be frequently reproduced, then grave functional or organic changes must ensue, resulting from irritation of tissue or altered nutrition of structure.

Prior to such structural change, which we call organic disease, alteration of function arises.

One of the most common symptoms of excessive use of alcohol is what patients describe as “a fluttering or sinking about the heart,” and this physical sensation seems to be closely allied to the psychical craving which is created—a craving so strong that it entirely dominates the will. The will itself being weakened, can neither control the craving nor restrain the actions necessary to its gratification ; nay,

more, the dominant idea exerts such influence over the mind, and perverted reason adduces so many arguments in favour—urges so much in extenuation of the gratification desired—that neither self-respect, family affection, self-interest, nor any consideration of right or wrong, have the least weight in opposition ; the unfortunate victim of alcohol will beg, borrow, or steal to obtain it.

One of the most curious features of the perversion of the moral portion of the mind, is a total loss of any sense of truth or honour.

Inebriates will steal stimulants, and endeavour to cast the blame on others ; they will buy spirits surreptitiously, and persistently deny having done so. They develop a wonderful cunning in concealing their supplies, and will declare in the most solemn manner that they have none ; affirm that they have not drunk a drop ; nay, kneel down and invoke the Almighty's vengeance on their heads "if they are not telling the truth" when denying having tasted stimulants, and this immediately after having taken it.

Independently of, or associated with, this moral perversion, other evidences of nerve failure appear. Sustained exertion, whether mental or physical, becomes irksome or impossible ; emotional variability is marked ; the inebriate is readily moved, without any sufficient cause, to tears, to gushes of affection, or gusts of passion ; muscular precision is affected ; the tongue trembles, the hand shakes ; there is

a feeling of physical depression ; sleep, at first unrefreshing, is followed by wakefulness. These symptoms are for a time relieved by renewed doses of alcohol, only to recur more markedly as its stimulating effect wears off; and there is soon added apprehensions and excitement. Nothing is seen or heard, only an indefinite feeling of nervousness and fright supervenes ; he does not care to be alone, yet is vaguely suspicious of those about him.

This state is one of apparent sanity, but really of insanity, and is extremely dangerous—for, from the most trivial, or without any apparent cause, the sufferer is excited to ungovernable fury or acts of violence ; yet so variable, so short-lived are the emotions which sway him, that he may immediately be calmed down by a person who acts authoritatively, yet quietly, and in whom he has confidence.

Some years ago the following case came under the writer's notice :—

“ I received, one Summer's evening, a note requesting me to visit a gentleman who had been drinking hard for some time. It stated that he was very irritable, and urged me to start at once.”

“ As I knew that he was naturally passionate, I lost no time on the way. As I drove up the avenue I saw the entire family on the lawn, and was struck by the deadly pallor of my patient's brother-in-law.”

“ I was greeted with a chorus of ‘ Oh, doctor, we're so glad you've come. F. is awfully bad ; he's just fired his revolver at B., has locked himself up with it in his study, and swears he'll

shoot anyone who goes near him. Do, please, go and take it from him, or he'll surely shoot someone or himself.'"

"The unselfish kindness of that proposition struck me forcibly. It was uttered in such evident good faith that their minds manifestly had not conceived the idea that I could possibly object; nor that I might find it inconvenient, not to say uncomfortable, to have a hole drilled in me. I must confess that the extreme probability, the very painful nature, and utter objectionableness of such an operation, at once occurred to me."

"It was curious; perhaps an example of 'how a fellow-feeling makes us wondrous kind,' that the most eager in urging the expedition was the brother-in-law."

"Their trust in me was too flattering to be broken, and, with anything but a cheerful spirit, I started for the study, muttering for consolation that it was all in the day's work, and comforting my small modicum of courage with the chance that his hand would be too shaky to hold straight."

"Although, probably because in a mortal funk, I could hardly keep from laughing aloud on noticing, as I neared that door, with what extreme caution the members of the family removed themselves from the line of fire."

"My knock at the door was greeted by a roar of 'Who's there?' 'Me,' I rejoined. The situation did not admit of grammatical accuracy. 'The doctor,' I added, fearing I might get mixed with the brother-in-law."

"The door was thrown open, and without a word my patient stalked back to the table, on which, directly in front of him, I had the pleasure of seeing the revolver."

"'You're not well,' I said; 'put out your tongue; now give me your hand; you must go to bed at once; come along, and I'll help you to undress. That's no place to have that thing lying about,' I added, pointing to the revolver; 'hand it over here.'

He did so at once, and there was not a happier man in the kingdom than I, when I had safely stowed it in my pocket. ‘What made you fire at B?’ I asked, when I had him safely in bed. ‘Did I?’ he answered. ‘I don’t know; I suppose he bothered me.’”

This and the further stage of *delirium tremens* may result rapidly from a debauch, but more usually are produced by continued excess. “In those who are affected with this sort of alcoholic disease a mixed madness and sanity is established, in which the cunning of the mind alone lives actively, with the vices that ally themselves to it.” To it aptly applies Delitzch’s description of demoniacal possession.

“In this—and, indeed, just where the soul exerts an influence upon it by means of the nervous system, and receives reacting influence from it—the demon establishes himself; but from here outwards exercises a forcible influence, extending itself to soul and spirit: to the soul at once, so far as he makes the corporiety, e.g., the instrument of speech, a means of his self-manifestation, and thereby dislodges the soul from its relation of power to the body that it vitalizes; to the spirit inasmuch as he degrades the will to a mere potentiality, and places it in fetters that cannot be broken.”

“So this affects the nature of man, even to its very foundation, even to the will, and thus even to the root of the soul and of the spirit his influence penetrates. He binds the will in a magical manner and makes it subservient to himself, and thus deprives the entire man of independence and of all further power over himself.”

When *delirium tremens* shall have been established, then illusions, hallucinations, and delusions are added.

“The effect of alcohol on the mental faculties is shown,” says

Dr. B. W. Richardson, "in yet another picture of modern humanity writhing under its use. I mean in the form of what may be called intermittent indulgence to dangerous excess."

"This form of disease has been named *mania a potu*, and it is one of the most desperate of the alcoholic evils.

"The victims of this class are not habitual drunkards or topers, but at sudden intervals they madden themselves with spirits. They repent, reform, get a new lease of life, relapse. In intervals of repentance they are worn with remorse and regret ; in the intervals of madness, they are terrible members of the community. In their furious excitement they spread around their circle the darkness of desolation, fear and despair. Their footsteps carry dread to those who, most helpless and innocent, are under their fearful control. They strike their dearest friends, they strike themselves. Retaining sufficient nervous power to wield their limbs, yet not sufficient to guide reason, they become the dangerous alcoholic criminals whom our legislature, fearing to touch the cause of their malady, would fain try to cure by scourge and chain."

"To us physiologists, these *maniacs a potu* are men under the experiment of alcohol, with certain of their brain centres (which I could fairly define if the present occasion were befitting), paralysed, and with a broken balance therefore, of brain power, which we with infinite labour and much exactitude, have learned to understand."

*Delirium tremens* and *mania a potu*, however, are marked phases of drink madness, in which acts of violence mainly arise from delusions or morbid nerve irritability ; but long antecedent to their inception, and while the man is apparently sane, alcoholic abuse has so weakened the will, and impaired the powers of reason, judgment, and memory, that there are confusion and misinterpretation of sensori motor,

impressions ; so that an idea aroused by a sensori impression becomes dominant, takes command of the mind, and compels to motor acts.

A flood of light has been thrown on the subject by the phenomena of artificial hypnotism.

In this condition there is complete collapse of will power for the time being ; any idea suggested obtains an entire command of the mind and of muscular actions. The idea which for the time dominates the mind and directs physical action may be conveyed to the brain through any of the paths of sensation.

Tell a hypnotised subject that his arm is stiff, and it becomes rigid ; that a band is playing, he hears the music, and will name the piece ; that a bar of cold iron is hot, and he drops it with a scream. But do not speak to him, only touch or place him in various positions, and his tactile sensations will arouse in his brain the ideas associated with such positions. Place the palms of his hands together and raise them, at the same time bending his head forward in the usual attitude of prayer ; from the expression of his face and the motion of his lips, you naturally exclaim, "Behold, he prayeth." Separate his hands, draw his head upwards and backwards ; behold, he erects his figure and expands his chest, while an expression of exalted pride illuminates his countenance ; or place his hands and arms in a pugilistic position ; if you are not rapid in retreat a vigorous blow

will accelerate your motions; for your formerly prayerful, and anon proud and dignified subject, is now filled with fierce fury.

Similarly with the man whose will is overcome by alcohol—a word, a gesture, a look, a touch, excite ideas which dominate his entire mind, rousing him with marvellous celerity to fury, depressing to the depths of despair, filling him with friendship, love, scorn, sympathy or grief.

The effects of intoxication arise, partly from perverted mental action—real delusions of the mind ; and partly from misinterpretation of sensori motor impressions—illusions of the senses.

Whether drunk *pro hac vice*, or an habitual inebriate, the victim is insane—even within the legal limits.

From the foregoing account of its consequences, it is plain that the abuse will, or even the daily use of alcohol may, produce a diseased condition of what we call the mind ; that is, in consequence of the brain centres growing to the mode in which they are used, alcoholic stimulation becomes a necessity so powerful that it cannot be resisted ; but it by no means follows that inebriety is either solely, or even in the majority of instances, the result of the habitual use of alcohol.

The proposition, that habitual drunkenness is principally

produced by the custom of taking stimulants, is not merely not proven, but contrary to the experience of the world.

The daily use of alcohol in some shape or form is the rule—total abstinence the exception ; yet the proportion of drunkards to the general population is small. If the proposition was true, then inebriates ought to be in the majority.

Take, for the purpose of illustration, the officers of the army. There is not a total abstinence mess in existence. Every day in the year, at all regimental messes, alcohol is used ; yet the number of our officers who become habitual drunkards is singularly small.

Granting that inebriety is often caused by the custom of drinking—the habit of excess is more frequently an effect than a cause of alcoholism. In fact the aptitude for alcohol, the tendency to inebriety, the acquirement of habits of excess, depend in the majority of instances on physical defects, either inherited or acquired ; an unsound physiological state is antecedent to alcoholism, the latter being the product of the former.

The predisposition to drink, implying a need in the system for stimulant, may depend on hereditary neurotic influence ; on nerve exhaustion from excessive and prolonged mental or physical exertion ; on disease ; starvation ; sexual excesses ; unhealthy surroundings and unsanitary dwellings ; depressing influences ; sudden mental shocks ; prolonged emotional ex-

citement. Indeed, if the causes of criminal tendencies, and those of insanity, both exciting and predisposing, be studied, it will be seen how closely they are allied with those of inebriety.

In illustration of a not uncommon mode in which the need for stimulant is produced, and for which alcohol is the very worst remedy that can be resorted to—in which the remedy is truly worse than the disease—the writer gives the substance of a paragraph culled by chance from the columns of a newspaper :—

A young man started in life in one of the large cities without any capital but the traditional half-crown. He worked hard ; he had talent, energy, and perseverance ; he steadily rose in the world ; he cultivated his mind ; he avoided profligacy and excess ; he was almost, if not altogether, a total abstainer ; he became wealthy.

He married a lady, his superior by birth, his equal in mental culture and refinement ; children were born to them ; everything prospered with them, until, when between forty and fifty years of age, “having made his fortune,” he retired from business.

Then, stating that having worked hard all his life, it was time for him to enjoy himself, he began to drink ; he squandered his fortune ; he became a confirmed drunkard ; his wife died of starvation and broken-hearted ; his sons died from excessive drinking ; his daughter disappeared amongst the fallen.

A broken down, miserable man, he sought out a priest, whom at a mission service he had heard eloquently picturing the sin, the suffering, the degradation, and destructiveness of drunkenness ; he told him his life history, he confessed to him, he took a vow in the most solemn form possible for a Catholic, to totally

abstain from alcohol ; he struggled in vain to keep his vow ; he failed, and in an agony of remorse ended his existence in the river.

This man's history clearly indicates excessive and prolonged expenditure of force, overdrafts on his constitution, which nature at length declined to honour ; the exhaustion of the nerve centres compelled a cessation of labour, and created a desire for stimulant.

That intemperance leads to crime, has become an almost proverbial expression.

Judges declare *ex cathedra* that a very large percentage of crime is produced by intemperance.

The masters of the unions, governors of prisons, superintendents of asylums, many members of the medical profession, join with the *vox populi* in attributing both crime and insanity to inebriety. So clear and so direct appears to be the connection, that abuse of alcohol is assumed to be the principal cause of criminal acts.

That it is a cause the writer admits—that it is *the principal* cause he denies—granting a direct connection between certain forms of crime and inebriety, yet it must not be overlooked that *inebriety is itself the result of antecedent causes*, leading up to both crime and insanity as well.

Inebriety is usually an indication of an unbalanced nervous nature, of defective vitality. A successful criminal

career, on the contrary, indicates rather both superabundant vitality and energy.

Take for example, burglary; "this crime requires a strong physique, a cool head, and a good judgment backed by pluck." When he takes to drink the burglar's occupation 's gone.

There is, however, a distinct connection between intemperance and crimes of violence, as there is also between insanity and similar crimes.

"Thus of 233 prisoners examined (by Dugdale), 49 or 23·03 per cent. belonged to a nervously disordered stock, or nearly one in every four. If we compare the crimes against property with those of impulse, placing arson among that category, we shall find that of the former there are 16·75 per cent. of neurotic stock, while of the latter there are 40·47 per cent."

Dr. Guy asserts that—

"the ratio of insane to sane criminals is thirty-four times as great as the ratio of lunatics to the whole population of England, or, if we take half the population to represent the adults which supply the convict prisons, we shall have the criminal lunatics in excess, in the high proportion of seventeen to one."

As to intemperance, it was found that 42·49 per cent. of the total number of criminals examined were of intemperate families, while 39·05 per cent. were habitual drunkards. With the house of refuge boys the ratio rises to 51 per cent. of intemperate families, and 51 per cent. of habitual drunkards.

An idea may be formed (from the researches of Dugdale

into the history of "the Jukes") of how great is the social damage done to the State by intemperance and insanity, with their concomitants, crime, pauperism, and incapacity for sustained exertion.

"Over a million and a quarter dollars of loss in seventy-five years caused by a single family ; without reckoning the cash paid for whiskey, or taking into account the entailment of pauperism and crime of the survivors in succeeding generations, and the incurable disease, idiocy and insanity, growing out of the debauchery, and reaching further than we can calculate."

"It is getting time to ask, Do our courts, our laws," our workhouses, "and our prisons deal with this question ?"

The State acknowledges that crime should be prevented, and endeavours to do so by threats, and by enforcing its threats on conviction.

If personal suffering and loss of fortune be omitted from consideration, and the cost of criminal prosecutions and of the maintenance of convicts be alone taken into account, it would appear, that as a mere matter of economy, the State ought to prevent the production of inebriety, insanity, and insanely-disposed offspring.

If to the cost of criminal proceedings be added the expenditure for the maintenance of those incapacitated from work through intemperance, insanity, or neurotic inheritance ; of those thrown on the rates through such incapacity, or driven by it to a life of vice and crime, and the loss resulting from the non-performance of productive work. The

sum total of cost would be found to exceed the revenue resulting from the duties on alcohol, and would furnish our legislators with a powerful stimulus to prevent the conditions which culminate in crime.

But if we examine the action of the legislature in reference to inebriety, insanity, and their criminal consequences, we are compelled to confess that, while it strives to deter by threats and punishment, it has done little to remove their predisposing causes ; and absolutely nothing to prevent the perpetration of crime by the inebriate and insane. Truly we may exclaim, "these things thou oughtest to have done and not have left the other undone."

Admitting freely that punishment may be effective in the case of healthy persons acquiring habits of intoxication, or in the case of those of an unstable nervous system, in whom the fear of imprisonment and the moral infamy conned therewith, can act as aids to the will, and so enable them to exercise self-control ; yet, with those inebriates in whom the habit has become dominant, or in whom it depends on the antecedent causes before mentioned, punishment must always fail.

No fine that can be imposed could equal the loss that inevitably follows from the gratification of the drunkard's desires.

No imprisonment can be as great a punishment or degra-

dation as that entailed on the inebriate and insane by their own acts.

To the consequences of yielding to the dominant demon which possesses him, both to himself and family, the inebriate is always, the insane are sometimes, keenly alive. If then the greater fails, how can the lesser be expected to be effectual.

The method is radically wrong ; it endeavours to cure a condition of disease by enforcing a degrading, depressing discipline, which, while supplying work so simple and mechanical as to be performed automatically, leaves the mind unoccupied—without one elevating or renovating influence—to dwell on its own morbid ideas, and to note and magnify every physical sensation. Such treatment cannot be of the least use, because the failing

“ must first and primarily be treated as a medical question before it is approached as a moral one ; or rather the moral treatment (and necessarily the legal) must be accomplished through the channel of physical cure, as an antecedent and essential requisite.”

In truth, the criminal law in its treatment of both the inebriate and insane is unjust and exquisitely cruel.

A man may by the abuse of alcohol—either cultivated as a habit or resulting from physical disability—ruin himself and his family, become loathsome and repulsive to his neighbours, an object of terror to his friends, a dangerous criminal, yet he commits no legal offence ; the law cannot interfere,

the liberty of the subject must be respected, unless he is found drunk and disorderly, or drunk and incapable, in some public place.

That he is insane, with lucid, very short lucid intervals, is a fact ; that he is a standing menace, a constant danger to his unfortunate family is sad ; that life is rendered a long lingering torture to wife, or children, or father, or mother may be deplorable ; the law, like Gallio, cares for none of these things.

No, the law looks calmly on, and declines to prevent an insane man committing crime.

But, when in a paroxysm of insane fury, or when acting under the impulse of an insane delusion, he kills someone—his wife, for choice—then having permitted the acquirement of the diseased condition, the consequence of which is crime, the law tries him for his life, putting the insane, the inebriate, and the sane, criminal on the same basis.

The law, indeed, allows a plea of insanity to be received, provided, that undoubted evidence be produced that the accused is of diseased mind ; but this is not sufficient, for although insane, he is held to be criminally responsible for his actions, unless, it be also proved that at the time he committed the crime, he did not know the nature and quality of his act, or that the thing he did was wrong. If he suffer from delusions he is equally liable with a person of sound

mind, unless the delusion be of such a nature, as if it had been true, would have justified his act.

In the case of a drunkard—although undoubtedly insane at the time—the law holds that as the insanity is the result of his own acts : it is no excuse.

This conclusion is illogical ; it is also doubtful policy for the criminal law in such matters to set up a standard of moral acts : to exempt from the consequences of his deeds the man whose insanity has resulted from his own acts, *e.g.*, over brain work, political excitement, speculation on change, gambling, &c. ; and condemn the man who also has produced insanity by his own acts, *e.g.*, abuse of alcohol, opium, &c.

The judgment lately delivered by Mr. Justice Day deserves attention ; for, although directly contrary to the hitherto received legal doctrine, it seems to be the logical outcome of the law as to the plea of insanity :—

“ On Friday, the 22nd January, 1886, Joseph Barnes, fish-hawker, aged 41, was tried at Lancaster, before Mr. Justice Day, for the murder of his wife. In charging the jury he is reported to have said that he could not follow the ruling of Mr. Justice Manisty in *Reg. v. M'Gowan*—‘ That a state of disease brought on by a person’s own act, *e.g.*, *delirium tremens*, brought on by excessive drinking, was no excuse for committing a crime, unless the disease so produced was permanent.’ He could not agree to this. The question was whether there was insanity or not ? That it was quite immaterial whether it was caused by the person himself, or by the vices of his ancestors ; and that it was immaterial whether the insanity was temporary or permanent. I have

ruled that if a man were in such a state of intoxication that he did not know the nature of his act, or that his act was wrongful, his act would be excusable."

It may be urged as an objection, if a drunken person, more especially if a life has been taken, be held irresponsible, that a direct incentive would be given to malicious men to get drunk in order to murder with impunity ; and, it may be added with truth, that it is very frequently proved that alcohol is taken by murderers prior to, and as an aid to the commission of the crime.

To this it is a sufficient reply to point out, in the first place, that stimulation and drunkenness are very different states ; in the second, that no appeal lies from Philip sober to Philip drunk. Philip sober may be filled with malice, hatred, and all uncharitableness, and be fully determined to kill his enemy ; whereas Philip drunk is more likely than not to overwhelm that enemy with maudlin love.

It is a singular but instructive fact that the victims of drunken violence are usually those best loved when the criminal is sober.

The testimony daily given in the courts by some half-killed wife or child, is that when sober he was a kind husband or loving father.

Although the writer is of opinion that capital punishment ought not to be inflicted in the case of the inebriate

and insane, he does not consider that the drunkard ought to be beyond the pale of punishment.

It would be intolerable that a man should be permitted to render himself a source of danger and terror to the community, or to inflict injury, or to take life, with impunity ; but he also holds that it is unjust to permit a man to make himself mad, and then punish him for the acts that are occasioned by insanity.

If, through cupidity or carelessness, the owner of a factory works a defective boiler—knowing it to be unsound—if that boiler bursts, and one or more of his employees are killed by the explosion, the owner is justly held responsible, not alone in pecuniary damages, but for such criminal negligence as may amount to manslaughter ; similarly, healthy men, knowing that dangerous, nay, fatal explosions of passion frequently follow excess in drink, should also be held responsible for criminal negligence.

But the case is very different when dealing with habitual drunkards ; in them the brain functions are perverted—punishment is powerless—in them drunkenness is a disease ; disease can neither be deterred nor cured by punishment.

Experience proves this to be true. Considering the cost in money, in lives, in human suffering, in the deterioration of the race, is it not time to try whether more good may not be effected by adopting the old maxim, “ Prevention is better than cure ? ”

To provide proper preventive methods, the causes, both immediate and predisposing, producing the effects to be prevented must be ascertained.

At the risk of repetition, it is well to state the principal predisposing causes :—

- I. *Inherited Tendencies.*—The result of vicious habits, physical depression, neurotic constitution, or actual morbid defects, in the parents.
- II. *In the Young.*—Always bearing in mind that heredity is effected for better or worse by the environment—physical disabilities produce arrest in development, and of that orderly growth which is essential to a full and vigorous discharge of the bodily and mental functions. As the mind depends on the development of the brain, and the latter's ready response to the sensori-motor impressions ; as its functional activity is the resultant of habits, *e.g.*, its nerve centres growing to the mode in which they are used ; and of molecular changes, depending on nutrition, circulation and purity of blood ; so physical disabilities in time produce

“ a fitful character, partaking of the defects of the constitutional temperament, which, because it is temperamental, dominates the habits of thought, of action, and of sensation, and gives to the moral nature a vacillating form identical to its own spasmodic development.”

III. *In the Adult.*—Over work, mental worry, unsanitary surroundings, improper or deficient food and clothing, prolonged or too frequently repeated emotional excitement, sexual excesses, or acquired disease, may and often do produce such conditions of nerve exhaustion and irritation, such defects of nutrition, that continuous bodily or mental work becomes irksome or impossible ; that a demand for stimulants, to procure sleep or spur the jaded system, springs up, or mental alienation comes on. Hence the histories, so frequently repeated, of steady sober men suddenly breaking out into debauchery, sinking into sloth, or passing into an asylum.

To combat the moral and social disasters arising from inebriety there are two methods, the voluntary and the legal.

The voluntary seeks to prevent and reclaim, by inducing the sober and the inebriate, to take a pledge to abstain from all alcoholic drinks ; it also endeavours to induce the Legislature to give power to prohibit opening of public-houses, and to close those at present existing, if the majority of the inhabitants of a district shall so decide.

Granting that total abstinence for robust healthy persons is a good thing, that for those with a tendency to excess *it is essential* ; that for the inebriate there is no middle course—*he must either abstain altogether or drink to excess* ;

yet there are most serious objections to it as an universal panacea.

It is not needed to keep the vast majority of the population sober—they are so without being teetotallers.

It fails, it is as powerless as punishment, in the most urgent cases ; and necessarily so, for it depends for success on the will, and power of self-restraint of the subject—that is, on just these properties of the mind that are weakest. It assumes that inebriates who have not will power enough to keep sober, either from sense of right or fear of consequences, will be able to do so by taking a solemn pledge. “If a vow once taken,” as Beale remarks, “was certain not to be broken, the conferring and diffusion of goodness would be easy indeed.” But the breaking of a solemn vow does not leave the man as it found him—he is lowered and degraded ; and his moral sense has received a shock from which it will not easily recover. Truly descriptive of these unhappy people are the words of Divine wisdom :—

“ When the unclean spirit is gone out of a man, he walketh through dry places, seeking rest ; and, finding none, he saith, I will return unto my house whence I came out.

“ And when he cometh he findeth it swept and garnished. Then goeth he and taketh to him seven other spirits more wicked than himself ; and they enter in and dwell there ; and the last state of that man is worse than the first.”

Many of the arguments used, and many of the statements made to support total abstinence, are either erroneous or

not proven. For example—that stimulation is followed by depression ; that alcohol, by stimulating activity of bodily function, shortens life ; that it always generates an ever-growing craving which must be satisfied by ever-increasing quantities ; that it is injurious to bodily health. Granting them to be true of large and frequent doses, they are not so of small or moderate ones.

It is stated that the statistics of assurance companies prove that total abstainers are longer lived than even moderate drinkers. Admitting this to be so, it only proves what has already been stated, that healthy persons, actively employed, neither require nor feel a need of stimulants. Total abstinence is an *evidence*, not a *cause*, of vitality.

The field for total abstinence is, however, a large one, and the writer ventures to express the opinion that, if it was urged as a means of physical cure, and not so much as a moral remedy, it would be more efficacious. "Whatever is physiologically right is morally right," and the converse is no less true that whatever is physiologically unsound is morally unsound. Alcohol produces a condition of physiological unsoundness—if that condition be cured the moral sense of the sin and shame of drunkenness will awake, and strengthen the resolution to abstain—before this has been effected acting on the moral sense is only placing a destructive weight on an already morbidly enfeebled mind.

Voluntary seclusion in a retreat is doubtless a step in the

right direction, but imperfect, in that it is voluntary, and can only be carried out with the consent and at the request of the inebriate. It is further defective because the expense places it beyond the reach of the poorer classes. It has, however, this great advantage over total abstinence pure and simple—that it removes the patient from alcohol, and breaks up the old environment.

A most marked effect on the physical career and mental habits is produced by the environment. If it remains permanent, improvement can hardly be hoped for, because hereditary tendencies become accentuated, and acquired disabilities exaggerated.

A change in the environment, however, generally produces a change in the career, and in time an actual change in the character of the individual.

In fact the environment furnishes the elements of mental nutrition, and hence largely determines the mental, moral, and physical growth.

Certain acts of Parliament, though not adopted with the direct object of preventing the tendency towards alcoholic abuse, have a very important influence on both inebriety and crime, partly by removing the predisposing causes, and partly by changing the environment. Such are the various factory acts, and those giving power to local bodies to break up unsanitary areas, to close unhealthy houses, to provide

sewerage, pure water, and ventilation ; to erect artisans' and labourers' dwellings ; and to open up air spaces in towns, etc.

More direct, but quite as efficacious, if judiciously exercised, are the education, the reformatory, and the industrial schools' acts.

But, to be of service, education must be real. It must be of such a nature as to develope the faculties, and train the intellect to think, while the mind is compelled to cultivate the habit of acquiring facts.

The educational methods of the present day tend more towards turning the mind into a store-house of useful or ornamental information ; towards developing the faculty of memory alone, at the expense of observation, reason, and judgment.

Such education, though of service to the crammer, is of little benefit to the classes under consideration.

"The mind can only be maintained intact by its own energy, no mere movement from without will suffice to infuse it with life or enable it to withstand the forces that strive for its destruction just as the presence of somatic life is the safeguard of interstitial life in the physical organism : so energy, purpose of soul, is the only sufficient preservative of the integrity of mind."

These measures, the more completely they are carried out, will do much to prevent that want of full development which predisposes to inebriety ; and by cultivating a taste

for, as well as securing an organisation and force capable of, steady work, will provide the best safeguard against unbridled indulgence of the passions, which culminate in inebriety, insanity, and crime.

The record is far less favourable when the laws directly dealing with inebriety come to be considered :—Restrictions on the sale of drink, both as to time and place ; permission to the drunkard to seclude himself ; and fines or imprisonment, when he has committed crimes, or may be found drunk and disorderly, or drunk and incapable, in some public place.

Restrictions as to the sale of intoxicating drinks must be necessarily limited. It would be impracticable to stop their sale altogether, either because of their abuse by some, or from the fact that the majority in a district were either total abstainers or preferred to drink at home. Still the Sunday Closing Acts are a move in the right direction, removing a great temptation to excess, at a time when both idleness, and having the week's wage, predispose thereto.

Imprisonment is detrimental to both the inebriate and insane. The association, the routine discipline, the purely mechanical work, the solitude, are all physically depressing ; the stigma and taint of crime connected therewith, injuriously react on the moral sense ; moreover, it generally comes too late. It is applied as a consequence of illegal

acts, or it is not applicable so long as the inebriate drinks in his own house, or is kindly brought home by friends.

A very slight experience of the utter uselessness of imprisonment, for purposes of reform, and the positive aggravation of his condition caused thereby, soon satisfy the inebriate's family that punishment is no remedy.

Instead of the inebriate being practically outside the pale of the law, and at liberty to render himself a criminal lunatic, power should be given to place him *nolens volens*, under suitable restraint.

"That men can't be made sober by act of Parliament" has become an almost proverbial saying ; but though true in one respect, it is incorrect in another. No act of Parliament can keep alcohol from men, but it is perfectly practicable to keep inebriates from alcohol.

Recognising that alcoholism is a disease, either acquired or inherited ; that it is one that private treatment fails to cure ; that its consequences extend far beyond injury to the individual ; and that it entails grievous damage, both pecuniary and social, to the State ; it is obvious that it is the interest of the State to cure the disease, and to prevent the committal of criminal offences.

The only way in which this can be effectually done is by secluding habitual inebriates.

The State ought to establish institutions for the confinement of inebriates, and for their intelligent treatment ; for as their physiological condition is unsound, and hence their moral state rotten, so their moral condition cannot be improved or brought up to a healthy level till their physiological status shall have been restored.

Not only should there be power to confine inebriates with or without their own consent in such State institutions, or in private retreats, licensed by and under State supervision, but the relatives or guardians of both inebriates and insane should be held responsible for damage done by them while under their care or control.

As long as no responsibility attaches to the parents or relatives of such persons, so long, from mistaken affection, or fear of compromising the respectability of the family, will they hesitate to place them under proper restraint and treatment, unless absolutely compelled to do so by fear of personal injury, or until some crime has been committed.

But if held responsible for their acts, self-interest would compel them to act promptly, to the great benefit of society, and of the afflicted individuals themselves ; for the earlier treatment is commenced the more certain is the cure of the disease, and the greater the probability of the cure being permanent.

Treatment of bodily disease and mental culture—not

imprisonment or neglect—is what is essential for both the inebriate and insane.

The nerve centres growing to the mode in which they are used, any treatment to be effective must not alone restore bodily function, and keep the inebriate from alcohol, until his physical health shall have been so far re-established, that the depression demanding it shall have departed ; but it must provide such mental training that the power of the will shall be restored, the moral sense renewed in vigor, habits of self-denial formed, and the entire mind roused to activity and interest in work.

Work is not an education in the proper sense, unless it enlists the interest of the mind, awakens and keeps alive the attention while it is being performed, and occupies both the physical and mental powers, cheerfully and earnestly to accomplish a determined result.

While believing firmly that there is a large field in which an enormous amount of work may be and is daily being done by the total abstinence movement, in preventing drunken habits being acquired by those on the verge of the decline ; the writer is convinced, once the habit is acquired, and in those cases where there exist strong antecedent predisposing causes, compelling to inebriety, that the only hope of real reform and prevention of crime, is to be found in enforced seclusion and treatment, not in punishment with the taint of criminality for what is really a disease. Until

the law, recognising that it has to deal with a diseased condition, removes the inebriate from alcohol and his old surroundings, and provides for his cure, inebriety, insanity, and crime, mutually reproducing each other, will continue their destructive career to the detriment of the State and suffering of the subject.



## A MEDICO-LEGAL STUDY.

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THE following case would prove interesting merely as a medico-legal record; but decided as it was on the mental condition of the prisoner, as it raised the question of insanity and crime—as fine distinctions were drawn as to the legal difference between drunkenness and disease of the mind produced by drink, and, again, between voluntary, or involuntary, or accidental drunkenness, and the criminal responsibility connected therewith—I venture to submit it to the Psychological Section.\*

M. R. was committed to Her Majesty's Prison, Galway, on the 23rd April, and tried before Chief Baron Palles and a common jury on the 20th July, 1887, for the wilful murder of M. D.

Evidence for the Crown was given by the mother, sister-in-law, and brother of the deceased, the servant-man, the sister-in-law's father, a neighbour, Dr. Dalton, who had attended him during life, and Dr. Nally, who had assisted Dr. Dalton to examine the body after death.

Professors Pye and Kinkead were examined by the defence.

\* Read in the Psychology Section of the British Medical Association, at the Dublin Meeting, August, 1887.

The witnesses produced for the Crown showed that D. had been suffering from typhus fever, that the prisoner was engaged as nurse on the 15th April, and from that day till the night of Friday, the 22nd, or early in the morning of the 23rd, she had been nursing him night and day ; that the doctor last saw him on the Wednesday (20th April) before his death ; that he was then very weak, apparently sinking, and the doctor told the relatives that he did not expect him to recover.

That about half-past nine or ten o'clock on the night of the 22nd, the sister-in-law gave a glass of whisky each to her husband and the servant-man ; took half-a-glass herself, gave half-a-glass to the nurse, and left the bottle, still containing five glasses, on the dresser in the kitchen.

That the family then went to bed, leaving the mother and nurse in charge of the dying man. The mother, worn out by previous watching, went into her daughter-in-law's room about ten o'clock and fell asleep (this room was separated from that of deceased by the kitchen or living-room, which occupied the entire centre part of the house). How long she slept she did not know, but "somewhere about an hour before dawn" she was awokened by *the nurse's* screams. On going to the door of the room she saw her son's dead body on the floor of the kitchen surrounded by fire ; his clothes, two shirts, and a pair of drawers, were all consumed, save portions on the legs and arms ; the nurse screaming and dancing about, having a brush in one hand and a pair of tongs in the other. The mother swore that not only did the nurse throw fire at her to keep her out of the kitchen, but threw a "pot lid full of coals" on the deceased ; witness then fainted, or, as she described it, "became weak ;" on coming to herself she succeeded in getting in.

She described the nurse as at times supporting herself by the walls, at others dragging her legs after her, as being very excited. Could not say whether she was drunk or mad.

The daughter-in-law was also awokened by the nurse's screams.

Saw her "hopping on the floor ;" corroborated the mother's testimony, except that she did not see any fire thrown.

The other witnesses confirmed the account as to position of body, &c., but the servant added that the prisoner asked him for a drink, and said "She'd soon have the devil burnt, and M. D. back again." While the father-in-law deposed that the head and chest were "dark scorched," and the hair burnt off, that he asked the prisoner "What have you done ?" or "Why did you do it?" and that she replied, "I done that—I burnt him. That's the devil I burnt, instead of Michael." In his opinion she was either drunk or crazy.

The medical evidence was to the effect that the body was burnt from head to foot ; the burns on the head and chest black and charred ; on the neck and under arms red ; those on the back not so marked, mere scorches ; some of the burns were red. Some had a red line round them, and there were blisters. That some were inflicted before and some after death, and that death was caused by burning.

None of the organs of the body had been examined. In fact no post-mortem examination, in the ordinary acceptation of the term, had been made ; conclusion as to cause of death was come to from extent of burns ; the red line and blisters were evidence of their being inflicted during life. Burns inflicted immediately before, could be distinguished from those made immediately after death. The contents of blisters had not been examined. No marks of violence were found on unburnt portions of body.

For the defence medical evidence was given to the effect that burns made, roughly speaking, within fifteen minutes before, could not be distinguished from those produced within fifteen minutes after death ; that the contents of post-mortem burn blisters were watery, while a life one was rich in albumen ; that the charring of flesh might take place during life, yet it indicated that the tissues acted on had been first killed by the burn and then charred.

The presumption of the prosecution was that the prisoner had dragged deceased from his bed and burnt him.

But the entire absence of motive—the man was dying, and the prisoner was a stranger to him, never having met him until engaged to nurse him—together with the horrible mode of killing, also raised the presumption that she was insane or drunk.

In support of the latter, although there was no direct evidence of her having taken more than the half glass of whisky, yet it was proved that the bottle containing five glasses was put on the dresser, that it was afterwards found empty, that the mother had taken none, and that there was no other person who could have consumed it with the exception of the deceased.

I was directed to examine the prisoner and report as to her sanity.

I first saw her about 12 o'clock on the 24th April; although the exact time of the transaction could not be accurately fixed, as the burning might have taken place any time between 11 p.m. on the 22nd, and about two hours before dawn on the morning of the 23rd, yet the time of my examination was within thirty to thirty-six hours of the occurrence.

She was very nervous and jerky; her pulse 120; temperature 103; tongue foul. She complained of headache, pains in the bones, shivering, and looked very ill. As she had been nursing a case of typhus, I thought it probable she might have contracted the contagion, and isolated her, but as the symptoms passed off in a couple of days I attributed them to drink, excitement, and the exhaustion of eight days and nights' continuous nursing.

Having given evidence to this effect, and that she was perfectly sane both on the 24th of April and 20th of July, I was asked by the Judge was it possible for a person suffering from delirium tremens to get well in thirty-six or forty-eight hours.

I replied No; but that I had frequently seen prisoners, com-

mitted in what I might call the first stage, some of whom suffered from delusions, get over it in the time specified.

Explaining that though drunkenness was no defence to a criminal charge, while disease of the mind produced by it was, the Judge asked were there not conditions of degradation of the blood in which drink would cause not so much drunkenness but a disease of the mind ? Supposing, for instance, a week's watching both day and night of a fever patient, would not that be likely to produce such depravation of the blood that stimulant would take an unexpected effect and cause disease of the mind ?

I said that much depended on the neurotic constitution and bodily condition, but given a nervous person, exhausted by such a watch, if she received a severe shock or great fright, that of itself, and quite independent of the question of stimulants, might produce insanity, either temporary or permanent. Also, depending on the person's temperament, there were bodily conditions which would cause stimulant, taken in less quantities than would at other times do so, to produce such intoxication as would prevent the person knowing the nature and quality of his acts.

The case, as put to the jury both by the defence and the Judge, was—

(1) Did the nurse take the man out of his bed and burn him to death ?

(2) If so, was he alive when she did it ? If he was, then she was guilty, but if not, then the burning of the dead body was not a criminal offence.

The Chief Baron said, that, to establish the charge, the Crown must prove conclusively that the man was alive when burnt ; if there was a reasonable doubt the prisoner should get the benefit, and he expressed his opinion that it had not been proved that the man was alive.

If the jury came to the conclusion that he was alive, then they should consider—

(3) Was she drunk ? or

(4) Was she insane

Having explained at length the law with regard to crimes committed by the insane, the Judge directed the jury that drunkenness being a voluntary act, the law rightly held persons responsible for acts done in a condition voluntarily produced, although when in that condition they did not know the nature and quality of their acts, and expressed his emphatic dissent from Mr. Justice Day's ruling in *Reg. v. Baines*. But that if a person, from any cause, say, long watching, want of sleep, or depravation of blood, was reduced to such a condition that a smaller quantity of stimulant would make him drunk than would produce such a state if he were in health, then neither law nor common sense could hold him responsible for his acts, inasmuch as they were not voluntary, but produced by disease. It appeared from the evidence that the nurse was under the delusion that her patient had been turned into a devil, that the proper course was to burn the devil, and thus bring back the patient ; was that delusion the result of drunkenness or disease of the mind ?

The jury found the prisoner guilty of manslaughter, but insane at the time of committing it, and she was ordered to be confined in a lunatic asylum during the Lord Lieutenant's pleasure.

To account for the horrible actions done, and the words spoken by the prisoner, it was suggested that a popular superstition gave rise to the drunken or insane delusion ; but no such superstition was proved, nor am I aware that any exists to the effect that a dying man is changed into a devil, that the latter can be purgated by fire, and the former thereby restored ; nor would it be consistent with the logical cunning of a lunatic to endeavour to drive out a spirit by the very element in which he is supposed to live and move habitually.

No doubt there is a prevalent superstition as to changelings, but I believe such transformations are confined to children, and the power of working them strictly limited to "the good people" or fairies.

The real solution, as it appears to me, was not put forward at all.

It is not unusual that, to a person dying of fever, there should come a sudden accession of strength—the last flicker of the flitting flame—sufficient to enable him to leave his bed and walk.

I believe this happened in this case ; that he did get up ; got as far as the kitchen, and fell into the fire ; it is more probable than not that he fell into it dead—the exertion exhausting the last remnant of vital force.

The nurse and mother being asleep, there is no evidence as to how long the body lay there, but from the charred condition of the head and chest, and the almost total consumption of the clothes, it must have lain a considerable time.

When the nurse awoke she saw her patient lying in the fire and rushed to pull him out ; in doing so, the fire being a turf one, "on the hearth," a considerable quantity of the coals must have been dragged out along with the body—hence the statement as to the fire surrounding it.

It is not surprising that an ignorant woman, suddenly aroused from sleep, her nervous system excited from eight

days and nights of watching, startled at the sight, and probably drunk, on turning over the body and seeing a black face, head, and chest, instead of her patient's features, should imagine that what she saw was the devil, and arrive at the idea that she could call back the patient by continuing to heap coals of fire on the devil's head.

Nor is this view inconsistent with her words, for even supposing that she knew what she was saying, which is doubtful, they would imply no more than a consciousness that the catastrophe was caused by her negligence, and that she was doing her best to remedy the mischief. That not a single witness testified to the house being filled with smoke, is, however, inconsistent with the theory propounded that she burned deceased in the middle of the kitchen floor.

Medically, it makes no difference as to the fact of a man's being temporarily insane, whether the poison producing the insanity has been consumed, or generated within his body. Legally the difference is very decided, for the one may be hung for murder, and the other may not; although Mr. Justice Day said in *Reg. v. Baines*—"I have ruled that if a man were in such a state of intoxication that he did not know the nature of his act, or that his act was wrongful, his act would be excusable." Yet there is no doubt but that the majority of the judges would concur with the Chief Baron, that a man was criminally responsible for his acts when drunk. But the distinction drawn by the Chief Baron

between voluntary and involuntary drunkenness has not been always acted on, moreover it opens up a very wide field.

If criminal consequences do not attach when intoxication is involuntary in the sense of being unexpected, it follows when involuntary in its true sense—that is, when the will cannot control the craving arising from habitual excess ; when from some inherited neurotic constitution, or acquired nervous defect, or exhaustion, the will-power is weakened and a systematic demand for stimulant springs up—that drunkenness becomes a valid plea. Hence there is imported into such investigations questions as to those neurotic and physical conditions, either inherited or acquired, which predispose to, and often compel, excessive drinking.

The problem is thus rendered even more complicated than a Chinese puzzle, and involves a number of unknown quantities, so that it may be unsolvable, or its solution mere guess-work ; and thus justice, instead of acting on fixed and rational principle, becomes fallacious and uncertain.

This must be so as long as the law (1) fails to recognize all insanity as disease, and that the acts springing from disease cannot be controlled, nor the disease cured by punishment ; (2) while it fails to recognize that mental alienation from alcoholic poisoning is a true insanity ; and (3) while it fails to recognise the production of this insanity as an offence, and only connotes crime to the acts resulting therefrom.

Can the question be solved, save in very exceptional cases, as to how much was due to insanity, *i.e.*, perverted nervous action caused by functional or organic derangement arising from within, and how much was due to drink, *i.e.*, perverted nervous action produced by alcohol?

Again, when does drunkenness cease to be simply drunkenness and become a disease of the mind?

Mr. Justice Manisty in *Reg. v. McGowan*, ruled "that a state of disease brought on by a person's own act—*e.g.*, delirium tremens, caused by excessive drinking—was no excuse for committing a crime unless the disease so produced was permanent." Chief Baron Palles distinctly charged that while drunkenness was no defence, disease produced by drunkenness was.

Whether the craving for excessive stimulation be the result of inherited defects or acquired nervous disabilities, or created by habit, once established it is a disease, and my experience leads me to conclude that not one in a hundred can control the craving. Drinking with such persons is therefore involuntary, and I concur that it is not common sense, whatever may be the law, to punish such persons for acts committed in a condition which they cannot help getting into, and which, moreover, the law does nothing to prevent; but it does seem inconsistent that, while those who, by their own acts, have established a diseased condition, should escape punishment, the man who has only taken one or two steps on

the downward road should be punished, not for having entered on the incline, but for acts which he could neither control, nor know the nature and quality of.

- It would be intolerable that men should be permitted to get drunk and commit criminal acts with impunity, but it is just as intolerable to permit them to get drunk with impunity and then try them for their lives, aye, and hang them too, for acts done in the insane condition which the law allows them to produce, and which the Legislature declines to prevent or remedy.

